

Peeler.	Sturgeon.
Perkins.	Thomas.
Real.	Watson.
Senter.	Weinert.
Stokes.	

Nays—6.

Brachfield.	Hayter.
Bryan.	Holsey.
Cofer.	Veale.

Absent.

Alexander.	Terrell of McLennan.
Harper.	Ward.
Mayfield.	Willacy.
Terrell of Bowie.	

Absent—Excused.

Greer.

Senator Watson moved to reconsider the vote by which the majority committee report was adopted, and lay that motion on the table.

The motion to table prevailed.

Action then recurred on the motion by Senator Brachfield, that the minority committee report, with an amendment, be substituted for the majority committee report.

The motion was lost by the following vote:

Yeas—7.

Brachfield.	Holsey.
Bryan.	Mayfield.
Cofer.	Veale.
Hayter.	

Nays—17.

Adams.	Perkins.
Hudspeth.	Real.
Hume.	Senter.
Kellie.	Stokes.
Masterson.	Sturgeon.
Meachum.	Thomas.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	

Absent.

Alexander.	Terrell of McLennan.
Harper.	Ward.
Terrell of Bowie.	Willacy.

Absent—Excused.

Greer.

Senator Kellie moved the previous question on the passage of the resolution, which motion being duly seconded, was ordered.

The resolution was read, and adopted by the following vote:

Yeas—17.

Adams.	Hume.
Hudspeth.	Kellie.

Masterson.	Senter.
Meachum.	Stokes.
Murray.	Sturgeon.
Paulus.	Thomas.
Peeler.	Watson.
Perkins.	Weinert.
Real.	

Nays—8.

Brachfield.	Hayter.
Bryan.	Holsey.
Cofer.	Mayfield.
Harper.	Veale.

Absent.

Alexander.	Ward.
Terrell of Bowie.	Willacy.
Terrell of McLennan.	

Absent—Excused.

Greer.

Senator Weinert moved to reconsider the vote by which the resolution was adopted, and lay that motion on the table.

The motion to table prevailed.

ADJOURNMENT.

On motion of Senator Meachum, the Senate, at 1 o'clock a. m., adjourned until 10 o'clock Monday morning.

FORTY-FIRST DAY.

Senate Chamber,
Austin, Texas.
Monday, March 8, 1909.

Senate met pursuant to adjournment. President Pro Tem. Terrell presiding. Roll call, quorum present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Hume.	Veale.
Perkins.	

Absent—Excused.

Greer.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Saturday, on motion of Senator Cofer, the same was dispensed with.

EXCUSED.

On account of important business:

Senator Perkins for today, tomorrow and Wednesday, on motion of Senator Hudspeth.

Pending the call of the regular order of business, Lieutenant Governor Davidson took the chair.

BILLS AND RESOLUTIONS.

By Senators Willacy and Meachum:

Senate bill No. 310, A bill to be entitled "An Act to amend Chapter 157 of an act of the Thirtieth Legislature, said act being entitled 'An Act to amend Article 651, Chapter 3, Title 21 of the Revised Statutes of the State of Texas, and declaring an emergency,' defining the powers of private corporations and amending said act so that said corporations may have as many as twenty-one directors, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Cofer:

Senate bill No. 311, A bill to be entitled "An Act to amend Chapter 75 of the General Laws of the State of Texas passed by the Twenty-seventh Legislature, creating a more efficient road system for Grayson county; and Chapter 65 of the Special Laws of said State, amendatory thereof, passed by the Thirtieth Legislature at its Regular Session; providing for the creation of road districts in any political subdivision of any defined district hereafter to be described in said county; prescribing the procedure necessary to the creation of such district; authorizing such district to issue bonds for the purpose of constructing and maintaining under the direction of the commissioners court of said county of macadamized, graveled or paved roads or turnpikes, or in aid thereof; providing for the holding of election and the manner thereof, to determine whether or not said bonds shall be issued; declaring the qualification of voters of such election; providing for the interest on such bonds and creating a sinking fund for the retirement of same, and providing for the assessment

and collection of taxes for such purpose; providing for the investment of said sinking fund and for its custody and deposit when not invested; providing that the courts shall take notice of this act in the same manner as general laws of the State, making it cumulative of the general laws of the State except when in conflict with the act, and declaring an emergency."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Senators Real and Cofer:

Senate bill No. 312, A bill to be entitled "An Act to provide for the establishment of training schools by the commissioners court in all counties having a population of over 50,000 persons; for neglected and delinquent children in that county, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Stokes:

Senate bill No. 313, A bill to be entitled "An Act granting Palestine, Anderson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Terrell of Bowie (by request):

Senate bill No. 314, A bill to be entitled "An Act to amend House bill No. 743 of an act passed by the Thirtieth Legislature of the State of Texas, approved May 2, 1907, entitled 'An Act to incorporate the city of Texarkana, Texas, as a city of the first class, as a city of 10,000 and over inhabitants, to grant to the said city a special charter, and to repeal all laws in conflict therewith, and declaring an emergency,' as amended by Senate bill No. 63, passed at the Called Session of the Thirtieth Legislature of the State of Texas, approved May 16, 1907, entitled 'An Act to incorporate the city of Texarkana, Texas, as a city of the first class, as a city of 10,000 and over of inhabitants; to grant to the said city a special charter; to repeal all laws in conflict herewith, and declaring an emergency,' passed at the Regular Called Session of the Thirtieth Legislature of Texas and approved May 2, 1907, by amending Sections Nos. 1, 49, 57, 133, 144, 163a and 218, by repealing the said sections and by submitting therefor respectively Sections

Nos. 1, 49, 57, 133, 144, regulating appeals from the corporation court and conforming the jurisdiction of the county court hereto, 163a and 218, that the same shall read and hereafter be as follows, and repealing all laws in conflict with the amendments herein provided, and declaring an emergency."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Kellie:

Senate Concurrent Resolution No. 10. Relating to a certain unsettled claim of the State of Texas against the United States for protection of the frontier from February 18, 1855, to December 31, 1860."

Read first time, and referred to Committee on Federal Relations.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House Joint Resolution No. 7, To amend Section 51 of Article 3 of the Constitution of the State of Texas, so as to authorize the grant of aid to disabled and dependent Confederate soldiers and sailors and their widows, and to grant aid to the establishment and maintenance of a home for said soldiers and sailors, and for the establishment and maintenance of a home for the disabled and dependent wives and widows of Confederate soldiers and sailors and such women as aided the Confederacy, and making appropriations for same.

House bill No. 572, A bill to be entitled "An Act to create a more efficient road system for Hamilton county, and making county commissioners ex-officio road commissioners, and prescribing their powers and duties as such, and providing for their compensation as such road commissioners; and providing for the condemning of material for the construction and maintenance of public roads, and to provide for the compensation for the material used; and providing for the working of county convicts on the public roads, and the purchase of supplies for such convicts and rewards for the capture of escaped county convicts, and for commutation of sentence for faithful service and good behavior, and defining the powers and du-

ties of road overseers and to provide for the summoning of hands and teams on public roads, and fixing a penalty for violation of same, and relieving them from the payment of such work by the payment of \$4.00; and providing further, making this act cumulative of the general laws now in force, and to repeal all laws in conflict with this act, and declaring an emergency."

House bill No. 563, A bill to be entitled "An Act creating Carlton Independent School District, in Hamilton county, Texas, and defining its boundaries; providing for the election of a board of trustees to manage and control the public free schools within said district; defining the title to school property in said district, naming fiscal year as to the taxes; investing the said district with all the powers, rights and duties of independent school districts formed for free school purposes only, and declaring an emergency."

House bill No. 565, A bill to be entitled "An Act creating Water Valley Independent School District, in Tom Green county, Texas, and defining its boundaries; providing for the election of a board of trustees thereof and defining their duties, powers and authority; authorizing the county assessor and collector of Tom Green county to levy, assess and collect taxes not exceeding 25 cents on the \$100 valuation of all property in said district subject to taxation for the purpose of purchasing and constructing public free school buildings and sites therefor within the district, and for equipping and furnishing the same, and to issue bonds for such purposes and to levy, assess and collect a tax not exceeding 25 cents on the \$100 valuation of such property for the maintenance and support of its schools; requiring and providing for elections on a proposition to levy such taxes and issuance of bonds; providing for the assessment and collection of such taxes, and providing for the collection for account of said district of the special tax of 20 cents on the \$100 valuation of property in said district, levied for the years 1909 and 1910, and investing said district and the board of trustees thereof with all the rights, powers, privileges and duties conferred and imposed by general law upon independent school districts and the board of trustees thereof formed by incorporation of a town or village for free school purposes only, under general laws."

Senate bill No. 240, A bill to be entitled "An Act defining what shall be a full

crew on passenger trains, run by railroad companies or receivers of railroad companies, doing business in this State; what shall be a full crew on freight, gravel or construction trains, run by such railroad companies or receivers, and what shall be a full crew on light engines run by such railroad companies or receivers; providing for certain cases to which the act shall not apply, rendering it unlawful for any such railroad company or receiver to run any train or light engine, subject to this act without, in each instance, having the full crew required, imposing a penalty for each violation by any railroad company or receiver of any of the provisions of the act; prescribing the venue of suits to recover penalties for violations of this act and the officers by whom the suits shall be brought, and declaring an emergency," with amendments.

House bill No. 295, A bill to be entitled "An Act to amend the Penal Code of the State of Texas by adding thereto Article 812a, prohibiting the owners of sheep affected with the 'scab' or other infectious or contagious disease from driving or permitting the same to be driven over or along any public road or highway in this State, or on or over the enclosed lands of another without the written consent of such owner, and prescribing a penalty therefor, and declaring an emergency," with engrossed rider.

House bill No. 558, A bill to be entitled "An Act to amend Section 2 of the special road law for Mills county, Chapter 41, entitled 'An Act to create a more efficient road system for Mills county, Texas, and making the commissioners of said court ex-officio road commissioners in the respective precincts, and providing for the appointment of deputies, defining the powers and duties of the commissioners court with reference to roads and bridges; providing for the appointment of road overseers and defining their duties, and providing for and fixing their compensation for certain labor; providing penalties for the violations of this act, giving persons subject to road duty in Mills county and persons summoned to work on the public roads of said county the right to be relieved from the discharge of such duty upon the payment of specific sums of money herein stipulated, and providing for the accounting for and the disposition to be made of the money so paid, providing that delinquent poll taxpayers shall be subject to three days' road duty, requir-

ing the tax collector of Mills county to furnish to the commissioners court a list of all persons who fail to pay their poll tax; providing for the compensation of road commissioners; providing for the amount of compensation in road time to be allowed by overseers to road hands for teams and road work; providing further, for ordering an election to be held in Mills county by the qualified property taxpaying voters to determine whether or not an additional ad valorem tax for road and bridge purposes shall be levied and collected in said county, also giving the commissioners court the power to establish, change, improve or discontinue public roads with or without petition and notice as the circumstances may be, and providing that this act shall control in Mills county in all cases wherein it differs or is in conflict with the general laws on this subject of roads, and making this act cumulative and declaring an emergency," as passed by the Thirtieth Legislature, so as to hereafter read as follows, and declaring an emergency."

House bill No. 499, A bill to be entitled "An Act to amend Sections 2, 12, 13 and 15 of an act creating and incorporating Lubbock Independent School District, enacted by the Thirtieth Legislature (Regular Session 1907, Chapter 55, page 509, Special Laws of Texas); to add thereto Section 21, validating and making lawful the proceedings had in the incorporation of said district, and providing for an emergency."

House bill No. 567, A bill to be entitled "An Act to require the Governor to appoint an inspector of hides and animals for the county of Oldham and place said county under the provisions of Articles 5002 to 5042, inclusive, Revised Statutes of 1895, and declaring an emergency."

House bill No. 185, A bill to be entitled "An Act to protect from injury by reason of defective baled and rebaled cotton, all laborers, workmen, cotton screwmen, longshoremen and others employed in the work of handling or stowing baled cotton, and providing that damages may be recovered of any person violating the provisions of this act by any person injured by reason of the non-compliance with the provisions hereof, and fixing the venue of suits for damages for such personal injuries in the counties wherein such personal injuries occur, and declaring an emergency," with engrossed rider.

House bill No. 468, A bill to be entitled "An Act to define the offense of abau-

donment after seduction and marriage of an unmarried female under twenty-five years of age, providing punishment, and declaring an emergency," with engrossed rider.

House bill No. 476, A bill to be entitled "An Act to compel railroad and railway corporations to erect and maintain water closets or privies at passenger stations; to regulate the same; to fix penalties and authorize suits therefor, with an emergency clause," with engrossed rider.

House bill No. 532, A bill to be entitled "An Act to render more effective and efficient the present road law in the State of Texas in its application and operation in the county of Bastrop, and to authorize and empower the said county to issue bonds for the construction of bridges and construction and maintenance of public roads and highways within said county; providing for the working of county convicts upon the public roads of said county; delegating certain powers to members of the commissioners court, regulating the compensation of certain officers, and repealing House bill No. 521 of the Acts of the Twenty-ninth Legislature."

House bill No. 509, A bill to be entitled "An Act to create a more efficient road system for Rusk county, and defining the duties of county judges and commissioners; providing for the appointment of road superintendents and defining their duties; providing for the working of county convicts and delinquent poll taxpayers on the public roads of said county; providing for rewards and penalties for escaped convicts; providing for the relieving of delinquent poll taxpayers from road duties by the payment of \$3.00; providing for the appointment of road overseers, and requiring them to work the road five full days and the apportioning of road hands; providing for the duties of road overseers and road hands, and fixing penalties for failure of their duties, and the relieving of road hands from service upon the payment of \$4.00, giving general powers to the commissioners courts to lay out new roads, to discontinue public roads, and to change public roads and the acquiring of roadbeds for new roads by purchase or by condemnation proceedings; the making of this law cumulative of the general road law of the State, and in case of conflict with the general law of the State this act to govern as to Rusk county, and to repeal Chapter 42, Acts of the Thirtieth

Legislature, 1907, and declaring an emergency."

House bill No. 562, A bill to be entitled "An Act creating the Henrietta Independent School District, in Clay county, Texas, defining its boundaries, providing for a board of trustees to manage and control the public free schools within said district; investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the general laws, and declaring an emergency."

House bill No. 521, A bill to be entitled "An Act to incorporate the trustees of the independent school district of the city of San Antonio, Texas, under the name 'San Antonio School Board,' with power to make contracts, to be a party to actions in courts, to receive gifts, grants, conveyances, donations or devices for use of public free schools of said city and district, and power to levy taxes, to issue and dispose of bonds and provide for payment of same, to borrow money, to appoint depositories for the funds of said board, to adopt text-books, and to do all acts authorized by this law, and providing for an emergency; and repealing an act passed at the Regular Session of the Twenty-eighth Legislature of the State of Texas, Chapter 128 of the General Laws, incorporating the independent school district of the city of San Antonio, and repealing an act passed at the Regular Session of the Twenty-ninth Legislature of the State of Texas, Chapter 96 of the General Laws, entitled 'An Act to amend Section 17 of an act incorporating the trustees of the independent school district of the city of San Antonio, Texas, passed at the Regular Session of the Twenty-eighth Legislature of the State of Texas, Chapter 128 of the General Laws'; repealing an act to amend Section 17 of an act incorporating the trustees of the independent school district of the city of San Antonio, Texas, passed at the Regular Session of the Twenty-ninth Legislature of the State of Texas, Chapter 29 of the General Laws, and declaring an emergency."

Also grants the request of the Senate for a Free Conference Committee on Senate bill No. 159, and the following have been appointed on part of the House: Messrs. Lively, Mobley, Elliott, Terrell of Cherokee and Ray.

Also adopted the report of the Free Conference Committee on House bill No.

152 by the following vote: Yeas, 106; nays, 2.

Also concurs in Senate amendments to House bill No. 78, by the following vote: Yeas, 99; nays, 30.

Also requests the Senate to return House bill No. 576 for correction.

Also adopted the report of the Free Conference Committee on Senate bill No. 159 by the following vote: Yeas, 96; nays, 1.

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills (see above House message for captions of):

House Joint Resolution No. 7, referred to Committee on Constitutional Amendments.

House bill No. 572, referred to Committee on Roads, Bridges and Ferries.

House bill No. 563, referred to Committee on Educational Affairs.

House bill No. 565, referred to Committee on Educational Affairs.

House bill No. 295, referred to Judiciary Committee No. 2.

House bill No. 558, referred to Committee on Roads, Bridges and Ferries.

House bill No. 499, referred to Committee on Educational Affairs.

House bill No. 567, referred to Committee on State Affairs.

House bill No. 185, referred to Judiciary Committee No. 1.

House bill No. 468, referred to Judiciary Committee No. 2.

House bill No. 476, referred to Committee on Internal Improvements.

House bill No. 532, referred to Committee on Roads, Bridges and Ferries.

House bill No. 509, referred to Committee on Roads, Bridges and Ferries.

House bill No. 562, referred to Committee on Educational Affairs.

House bill No. 521, referred to Committee on Educational Affairs.

SIMPLE RESOLUTION.

By Senator Senter:

Resolved, That the tender of a portrait of former Lieutenant Governor Barnett Gibbs, made to the Senate by his widow, Mrs. Barnett Gibbs, be accepted, and that the presiding officer of

the Senate is hereby authorized to place such portrait in a suitable location in the Capitol in recognition of the important and lasting public service rendered to the State as a member of this body and as its presiding officer.

Resolved further, That the Secretary of the Senate is hereby instructed to furnish a copy of this resolution to Mrs. Barnett Gibbs.

The resolution was read, and laid on the table subject to call.

SIMPLE RESOLUTION.

By Senator Murray:

Whereas, The day of adjournment is near at hand; therefore be it

Resolved, That the President recognize the Senators beginning with today's session on one side of the Senate Chamber and continuing in regular order until all have been recognized.

When a Senator has been recognized in this manner he shall have the right to call up any bill unless objection be made. If objection be made, the Senator so securing recognition may call up some other bill, or move that pending business be suspended, and that the bill he desires to call up be taken up for consideration.

In case the Senate refuses to suspend pending business, the President shall then recognize the next Senator.

Senator Alexander offered the following amendment:

Amend the resolution by adding "and such recognition shall continue from time to time in such order until otherwise determined by the Senate."

Senator Terrell of McLennan moved to table the amendment, which motion was lost.

The amendment was adopted.

The resolution, as amended, was then read and adopted.

SIMPLE RESOLUTION.

By Senator Hudspeth:

Whereas, The responsibility of the duties of the Secretary and Journal Clerk of the Senate are greater than any other elective offices of the Senate; and

Whereas, The duties of these offices require more time, attention and work than any other offices of the Senate; and

Whereas, The duties of these offices have been more arduous during the present session than any session heretofore; therefore, be it

Resolved, That the action on the adoption of the resolution authorizing the election of and the per diem of these offices, on January 12, 1909, be rescinded in so far as to salary, and to hereby be amended to read and authorize that these two offices be paid \$7.50 per day each during the session of the Thirty-first Senate.

WATSON,
VEALE,
HUDSPETH,
WARD,
MASTERSON,
PAULUS,
PEELER,
HUME,
MURRAY,
KELLIE,
WEINERT,
REAL,
HAYTER,
SENER,
PERKINS,
TERRELL of Bowie,
GREER,
ADAMS,
TERRELL of McLennan,
MEACHUM.

The resolution was read, and laid on the table subject to call, on motion of Senator Hudspeth.

SENATE BILL NO. 240—REFUSE TO CONCUR IN HOUSE AMENDMENTS.

Senator Mayfield here called up, as privilege matter,

Senate bill No. 240, A bill to be entitled "An Act defining what shall be a full crew on passenger trains, run by railroad companies or receivers of railroad companies, doing business in this State; what shall be a full crew on freight, gravel or construction trains, run by such railroad companies or receivers, and what shall be a full crew on light engines run by such railroad companies or receivers; providing for certain cases to which the act shall not apply, rendering it unlawful for any such railroad company or receiver to run any train or light engine, subject to this act without, in each instance, having the full crew required, imposing a penalty for each violation by any railroad company or receiver of any of the provisions of the act; prescribing the venue of suits to recover penalties for violations of this act and the officers by whom the suits shall be brought, and declaring an emergency,"

And moved that the Senate do not concur in the following House amendments, and request a Free Conference Committee:

Amend by striking out Section 4a.

The motion to non-concur prevailed.

The Chair appointed the following Free Conference Committee:

Senators Stokes, Cofer, Meachum, Brachfield and Mayfield.

SIMPLE RESOLUTION.

By Senator Sturgeon:

Resolved, That the Senate have a night session each night this week to consider local bills.

Senator Cofer offered the following amendment, which was read and adopted:

Amend by adding: "Provided, that at each night session when local bills are through with, then other bills and business may be considered."

The resolution was then adopted, as amended.

SENATE BILL NO. 68—HOUSE AMENDMENTS CONCURRED IN.

Senator Ward here called up, as a privilege matter,

Senate bill No. 68, A bill to be entitled "An Act to prohibit any corporation or receiver operating a line of railway in whole or in part in the State of Texas, or any officer, agent or representative of such corporation or receiver, to retain, maintain or establish a name on any railway station or depot in any incorporated or unincorporated town or city within this State, other than the name of the town or city, which town or city bears the name of its postoffice so given by the United States Government, and providing penalties for violations of this act, and prescribing the venue of suits and prosecutions thereunder,"

And moved that the Senate concur in the following House amendments:

Amend Senate bill No. 68 by adding at close of Section 3 the following: "Provided, that the venue of all suits originating under the provisions of this act shall be in the county where the station about which the suit occurs is located."

The motion to concur prevailed by the following vote:

Yeas—22.

Alexander.
Brachfield.
Bryan.

Cofer.
Harper.
Hayter.

Holsey.	Real.
Hudspeth.	Senter.
Kellie.	Stokes.
Masterson.	Sturgeon.
Mayfield.	Terrell of McLennan.
Meachum.	Ward.
Paulus.	Watson.
Peeler.	Willacy.

Absent.

Adams.	Thomas.
Hume.	Veale.
Murray.	Weinert.
Terrell of Bowie.	

Absent—Excused.

Greer.	Perkins.
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SIMPLE RESOLUTION.

By Senator Stokes:

Resolved, That Senate bill No. 309 be withdrawn from the committee to which it has been referred, and returned to the Calendar Clerk.

The resolution was read and adopted.

SIMPLE RESOLUTION.

By Senator Alexander:

Resolved, That House bill No. 576 be recalled from the Committee on Towns and City Corporations.

The resolution was read and adopted.

Senator Alexander moved that the Senate grant the request of the House for the return of House bill No. 576 for correction (see first House message for request of).

The motion was adopted.

Morning call concluded.

FREE CONFERENCE COMMITTEE REPORT.

By Senator Meachum:

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. A. M. Kennedy, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee appointed on

Senate bill No. 62, A bill to be entitled "An Act making it a criminal offense for any person to send to another person an anonymous letter of writing reflecting upon the character, chastity, virtue, good character or reputation of

any person, or wherein the life of any such person is threatened, and prescribing a penalty for the violation thereof, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate and the House of Representatives with the recommendation that it do pass without the House amendments and as originally introduced in the Senate, the House receding from its amendments.

MEACHUM,
WATSON,
STOKES,
TERRELL of Bowie,
BRACHFIELD,
On the part of the Senate.
BROWNLEE,
FULLER,
McDONALD,
CROCKETT of Mitchell,
On the part of the House.

The above report was adopted, on motion of Senator Meachum, by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Senter.
Cofer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Hume.	Veale.
Real.	

Absent—Excused.

Greer.	Perkins.
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REGULAR ORDER OF BUSINESS.

In accordance with the resolution adopted this morning, the Chair announced that he would proceed with the call of the Senators by desk, beginning with Senator Thomas. Each Senator was allowed to call up any bill he desired.

SENATE BILL NO. 117.

Senator Thomas called up Senate bill No. 117, and there being no objection,

The Chair laid before the Senate, on second reading,

Senate bill No. 117, A bill to be entitled "An Act to provide adequate punishment for any person who shall engage or act in the capacity of a locomotive engineer or train conductor, upon any railroad in the State of Texas, without having first served three (3) years as a locomotive fireman or engineer, or if engaged as a conductor on any railroad train in this State, he shall be punished as herein provided if he engages to so act without first having served two (2) years as a brakeman, or conductor of a freight train. To punish any person who shall knowingly engage, promote, require, persuade, prevail upon or cause any person to do any act in violation of this act."

There being an adverse majority committee report, and a minority favorable committee report, with amendments,

Senator Brachfield moved that the minority committee report be adopted.

(President Pro Tem. Terrell in the chair.)

Pending discussion on the above motion,

Senator Meachum moved the previous question on the motion to adopt the minority committee report, which motion being duly seconded, was so ordered by the following vote:

Yeas—19.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Hudspeth.	Watson.
Mayfield.	Willacy.
Meachum.	

Nays—7.

Harper.	Sturgeon.
Kellie.	Ward.
Masterson.	Weinert.
Murray.	

Absent.

Hume.	Veale.
Terrell of McLennan.	

Absent—Excused.

Greer.	Perkins.
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Action then recurred on the motion by Senator Brachfield to adopt the minority committee report, which motion was adopted.

The bill was read second time, and Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill by adding Section 4a, to read as follows: "The provisions of this act shall not apply to any railroad company within this State, or the receiver, or lessee thereof, whose line of railway is less than twenty-five miles in length."

COFER,
MEACHUM,
KELLIE,
HUDSPETH,
WATSON,
ADAMS.

Senator Cofer offered the following amendment, which was read and adopted:

Amend caption by adding at the end of caption, in line 16, the following: "But exempting lines of railway of less than twenty-five miles in length from the operation of this act."

COFER,
MEACHUM.

Senator Meachum moved the previous question on the engrossment of the bill, which motion being duly seconded, was so ordered.

Bill read second time, and ordered engrossed.

On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Meachum.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Watson.
Hume.	Weinert.
Kellie.	Willacy.
Mayfield.	

Nays—3.

Masterson.	Sturgeon.
Murray.	

Absent.

Thomas.	Ward.
Veale.	

Absent—Excused.

Greer.	Perkins.
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Senator Meachum moved the previous question on the final passage of the bill, which motion being duly seconded, was so ordered.

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Meachum.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Nays—3.

Harper.	Sturgeon.
Murray.	

Absent.

Veale.	Ward.
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Absent—Excused.

Greer.	Perkins.
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Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 496, A bill to be entitled "An Act to amend Section 2 of Chapter 116 of the General Laws of the Twenty-ninth Legislature, relating to the fee for filing annual statements of Printers' Mutual Fire and Storm Insurance Association, and to the treasurers' bonds of such associations."

House bill No. 493, A bill to be entitled "An Act for the purpose of enlarging the Southwestern Insane Asylum, for the segregation of the consumptive insane of the State, and making appropriations therefor, and declaring an emergency."

House bill No. 28, A bill to be entitled "An Act to amend Chapter 39 of the General Laws of the Thirtieth Legis-

lature, entitled 'An Act to prohibit and prevent adulteration, fraud and deception in the manufacture of and sale of articles of food or drugs; prescribing penalties for the violation of this act; to provide for the appointment of a Dairy and Food Commissioner, and to define his powers and duties, and to fix his compensation, and to repeal all laws in conflict with the provisions of this act, and declaring an emergency,' so as to more perfectly prevent the manufacture of, sale of or offering for sale of misbranded or adulterated foods and drugs; to prevent the addition to 'foods, injurious drugs or articles injurious to health'; to provide for a Dairy and Food Commission, and prescribing its duties, and declaring an emergency," with engrossed rider.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (President Pro Tem. Terrell) had referred, after their captions had been read, the following House bills (see above message for captions of):

House bill No. 28, referred to Committee on Public Health.

House bill No. 496, referred to Committee on Insurance, Statistics and History.

House bill No. 493, referred to Committee on State Asylums.

SIMPLE RESOLUTION.

By Senator Sturgeon:

Whereas, The Grand Lodge of the Independent Order of Odd Fellows of Texas, and the Grand Assembly of the Daughters of Rebecca of Texas, have decided to hold their next annual meetings in the city of Austin in March, 1910; and

Whereas, Said orders have done and are doing great charitable work in this State; therefore, be it

Resolved by the Senate, That the Superintendent of Public Buildings and Grounds be and he is hereby authorized and instructed to tender to said Grand Lodge of Odd Fellows the use of, and to the Grand Assembly of the Daughters of Rebecca, the use of the Senate Chamber for the purposes of their meeting, provided the Legislature is not in session at that time.

The resolution was read and adopted. (Senator Meachum in the chair.)

SENATE CONCURRENT RESOLUTION NO. 3.

Senator Willacy asked unanimous consent to call up Senate Concurrent Resolution No. 3, and there being no objection,

The Chair laid before the Senate

Senate Concurrent Resolution No. 3, same being a resolution to select a site for the Hood's Brigade monument.

The resolution was read and adopted.

Senator Willacy moved to reconsider the vote by which the resolution was adopted, and lay that motion on the table.

The motion to table prevailed.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request for a Free Conference Committee on Senate bill No. 240, and the following have been appointed on part of the House: Messrs. Byrne, Meeks, Robertson of Bell, German and Fuller.

Also requests the Senate to return the following bills for correction:

House bills Nos. 269, 417, 474, 495, 499, 309, 530, 532, 535, 552, 559, 558, 565, 562, 563, 554, 564, 572, 576, 580, 560, 573, 567, 525, 165, 435, 488, 416, 433, 466, 499, 497, 503, 459, 455, 247, 511; Senate bills Nos. 196, 200, 263, 56, 210.

Also passed House Concurrent Resolution No. 12, Providing for the investigation and collection of claims due the State of Texas.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

RESOLUTION READ AND REFERRED.

The Chair (Senator Meachum) had referred, after its caption had been read; the following House Concurrent Resolution (see above message for caption of):

House Concurrent Resolution No. 12 referred to Committee on State Affairs.

SIMPLE RESOLUTION.

By Senator Watson:

Resolved, By the Senate, that the

chairmen of the several committees to whom was referred House bills Nos. 269, 417, 474, 495, 499, 309, 530, 532, 535, 552, 559, 558, 565, 562, 563, 554, 564, 572, 576, 580, 560, 573, 567, 525, 165, 435, 488, 416, 433, 466, 499, 497, 503, 459, 455, 247, 511; Senate bills Nos. 196, 200, 247, 263, 56, 210 be requested to return same back to the Senate at once.

WATSON,
BRACHFIELD.

The resolution was then read and adopted.

SIMPLE RESOLUTION.

By Senator Murray:

Whereas, Senate bill No. 200 is now in the hands of the Enrolling Clerk; therefore be it

Resolved, By the Senate that the Enrolling Clerk be and he is hereby requested and required to return said bill No. 200 to the Senate.

The resolution was read and adopted.

SENATE BILL NO. 191.

Senator Hayter called up Senate bill No. 191, and there being no objection,

The Chair laid before the Senate, on second reading,

Senate bill No. 191, A bill to be entitled "An Act to provide for prospecting for mineral on land owned by the State of Texas, or the public free school fund, and on such land as the State has heretofore or may hereafter sell with the reservation of the mineral therein; also to provide for the prospect and sale of mineral-bearing land, including the minerals and the sale of the minerals in such land as has heretofore or may hereafter be sold with the reservation of minerals therein; providing penalties for the violation of this act, and repealing Chapter 71, Revised Civil Statutes of 1895, and Chapter 99, passed at the Regular Session of the Twenty-ninth Legislature, approved April 15, 1905, and declaring an emergency."

The committee report, with amendments, was adopted, on motion of Senator Hudspeth.

The bill was read second time, and Senator Brachfield offered the following amendment:

Amend the bill by adding after the word "paid," in line 27, page 3 the following: "Provided that should the price be greater than \$25 per annum then the purchaser shall continue to pay the

amount per year until the full contract price is paid."

BRACHFIELD,
BRYAN.

Senator Hudspeth offered the following amendment to the amendment:

Amend the amendment by adding the following: "But the Commissioner of the General Land Office must fix the price of said land at the time that the applicant stakes off his claim and files affidavit of same in the Land Office."

The amendment to the amendment was read and adopted.

The amendment, as amended, was then adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Nays—1.

Holsey.

Absent.

Veale.

Ward.

Absent—Excused.

Greer.

Perkins.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Harper.	Real.
Hayter.	Senter.
Hudspeth.	Stokes.
Hume.	Sturgeon.
Kellie.	Terrell of Bowie.
Masterson.	Terrell of McLennan.

Thomas.
Watson.

Weinert.
Willacy.

Nays—1.

Holsey.

Absent.

Veale.

Ward.

Absent—Excused.

Greer.

Perkins.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SIMPLE RESOLUTION.

By Senator Sturgeon:

Resolved, That Senate bill No. 247 be called from the Enrolling Clerk.

The resolution was read and adopted.

RECESS.

On motion of Senator Peeler, the Senate, at 12:45 o'clock, recessed until 2:30 o'clock today.

AFTER RECESS—2:30 O'CLOCK P. M.

The Senate was called to order by Lieutenant Governor Davidson.

On motion of Senator Peeler, the Senate was at ease for ten minutes.

The Senate was again called to order by Lieutenant Governor Davidson.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House requests the Senate to return Senate bill No. 247 in lieu of House bill No. 247, for correction.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL RETURNED TO HOUSE FOR CORRECTION.

Senator Sturgeon here moved that the Senate grant the request of the House for the return of Senate bill No. 247 for correction.

The motion prevailed.

(Senator Brachfield in the chair.)

SENATE BILL NO. 134.

Senator Peeler called up Senate bill No. 134, and there being no objection,

The Chair laid before the Senate, on second reading,

Senate bill No. 134, A bill to be entitled "An Act to repeal Section 12 of an act passed by the First Called Session of the Thirtieth Legislature, Chapter 18, entitled 'An Act to provide for the levy and collection of an occupation tax upon individuals, companies, corporations and associations pursuing any of the occupations, viz., express companies; telegraph and wireless telegraph; gas, electric light, electric power or waterworks or water and light business; collecting agency business; commercial agency business; commercial reporting agency business; business of foreign corporations owning stock cars; refrigerator and fruit cars, tank cars, coal cars, furniture cars, common box and flat cars, and leasing, renting or charging mileage for the use of such cars within the State of Texas; business of owning, operation, leasing or renting pipe line or pipe lines; sleeping car, palace car, dining car business; life insurance business, fire insurance business, fire and marine business, marine, marine and inland insurance company business, life and accident, life and health, accident, credit, title, steam boiler, live stock and casualty insurance business; surety and guaranty insurance company business, business of wholesale dealers in coal oil, naphtha, benzine and other mineral oils refined from petroleum, and defining wholesale dealers; wholesale distributors or wholesale distributors or wholesale dealers in spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, and defining wholesale distributors and dealers; the business of street railway companies, the business of interurban, trolley, traction or electric street railway companies, the business of wholesale and retail dealing in pistols, the business of owning or operating or controlling a telephone business; the business of publishing, printing and selling text-books or law books, or either; the business of owning, controlling, managing or leasing oil wells, the business of owning, controlling, managing or operating any terminal railway company or terminal railway; and providing for the levy and collection of an occupation tax on individuals, companies, firms, corporations and associations who begin the pursuit of any such occupation taxed herein on or before the beginning

date of the quarter as fixed herein; and providing for penalties for violation of the provisions of this act; and giving the State Revenue Agent authority to assist in the enforcement of the provisions of this act; and repealing all laws and parts of laws in conflict herewith; and to exempt all persons, associations of persons, firms and corporations upon whose business an occupation tax is herein levied from the operation of the act, approved April 17, 1905, of the Twenty-ninth Legislature, being Chapter 146 thereof, providing for the taxation of the intangible assets of certain corporations, associations and individuals, and to repeal all sections of the act approved April 17, 1905, of the Twenty-ninth Legislature, being Chapter 148 thereof, imposing an occupation tax upon the occupations herein taxed, preserving all liabilities, obligations and penalties incurred or fixed in Chapter 148, Acts of Twenty-ninth Legislature, approved April 17, 1905, and all causes of action and suits arising thereunder, and to declare an emergency, and declaring an emergency."

The bill was read second time, and ordered engrossed by the following vote:

Yeas—20.

Adams.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Nays—5.

Brachfield.	Terrell of Bowie.
Harper.	Thomas.
Meachum.	

Absent.

Alexander.	Terrell of McLennan
Real.	Veale.

Absent—Excused.

Greer.	Perkins.
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On motion of Senator Peeler, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Adams.	Bryan.
Alexander.	Cofer.

Harper.	Paulus.
Hayter.	Peeler.
Holsey.	Senter.
Hudspeth.	Stokes.
Hume.	Sturgeon.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Murray.	Willacy.

Nays—4.

Brachfield.	Terrell of Bowie.
Meachum.	Thomas.

Absent.

Real.	Veale.
Terrell of McLennan.	

Absent—Excused.

Greer.	Perkins.
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The bill was read third time, and passed by the following vote:

Yeas—20.

Adams.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Hayter.	Senter.
Hudspeth.	Stokes.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Murray.	Willacy.

Nays—7.

Alexander.	Meachum.
Brachfield.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Thomas.
Mayfield.	

Absent.

Terrell of McLennan. Veale.

Absent—Excused.

Greer.	Perkins.
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Senator Peeler moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

REASONS FOR VOTING.

We vote for this bill with great reluctance, for we are opposed to the sale of pistols. However, those in position to know, and whose veracity we can not doubt, tell us the law is a failure, and more pistols are sold than before, and

the only result is the pistol trade is diverted to foreign catalogue houses, and thereby results in a discrimination against our own Texas merchant. We would favor a law directly forbidding the sales of pistols instead of seeking this result indirectly through a revenue measure.

COFER.
WEINERT.

COMMITTEE REPORTS.

(Majority Report.)

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 26, A bill to be entitled "An Act to provide for compulsory attendance upon the public, private and parochial schools of children between the ages of seven and seventeen,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

ALEXANDER, Chairman.

Senator Alexander moved that that part of the above committee report recommending that the bill be printed in the Journal be adopted.

Senator Murray moved to table that motion.

The motion to table prevailed by the following vote:

Yeas—15.

Adams.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Harper.	Terrell of Bowie.
Holsey.	Watson.
Hudspeth.	Weinert.
Hume.	Willacy.
Meachum.	

Nays—9.

Alexander.	Senter.
Cofer.	Stokes.
Hayter.	Sturgeon.
Masterson.	Thomas.
Mayfield.	

Absent.

Kellie.	Veale.
Real.	Ward.
Terrell of McLennan.	

Absent—Excused.

Greer.

Perkins.

(Minority Report.)

Committee Room,

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Educational Affairs, to whom was referred

House bill No. 26, A bill to be entitled "An Act to provide for compulsory attendance upon the public, private and parochial schools of children between the ages of seven and seventeen,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass.

HARPER,
BRACHFIELD.

SENATE BILL NO. 300.

Senator Murray called up Senate bill No. 300, and there being no objection,

The Chair laid before the Senate, on second reading,

Senate bill No. 300, A bill to be entitled "An Act to provide for the sale, disposition or removal of any and all property of the State of Texas, which is or has been used by the Court of Criminal Appeals of the State of Texas, at Tyler and Dallas, Texas; to provide for the removal to Austin, Texas, of any of such property not so sold; to provide for the removal of any and all books, papers and records of said court, as also all disposed and undisposed of cases now at said Tyler and Dallas, Texas, to Austin, Texas, and to make an appropriation for said purpose; to provide for the compensation of the clerk of said court at Austin, and to authorize him to appoint a deputy, and to provide for the compensation of said deputy; to repeal all laws and parts of laws in conflict herewith, and to declare an emergency."

The committee report, recommending that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Murray, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.

Alexander.

Brachfield.

Bryan.

Cofer.

Harper.

Hayter.

Holsey.

Hudspeth.

Hume.

Kellie.

Masterson.

Mayfield.

Meachum.

Murray.

Paulus.

Peeler.

Senter.

Stokes.

Sturgeon.

Terrell of Bowie.

Terrell of McLennan.

Thomas.

Ward.

Watson.

Weinert.

Willacy.

Absent.

Real.

Veale.

Absent—Excused.

Greer.

Perkins.

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.

Alexander.

Brachfield.

Bryan.

Cofer.

Harper.

Hayter.

Holsey.

Hudspeth.

Hume.

Kellie.

Masterson.

Mayfield.

Meachum.

Murray.

Paulus.

Peeler.

Senter.

Stokes.

Sturgeon.

Terrell of Bowie.

Terrell of McLennan.

Thomas.

Ward.

Watson.

Weinert.

Willacy.

Absent.

Real.

Veale.

Absent—Excused.

Greer.

Perkins.

Senator Murray moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 208.

Senator Cofer called up Senate bill No. 208, and there being no objection,

The Chair laid before the Senate, on second reading,

Senate bill No. 208, A bill to be entitled "An Act to amend Chapter 4, Title 28 of the Revised Civil Statutes of 1895, by adding an additional article to said chapter, to be known as Article 1119a, and providing for extending terms of district courts in certain cases, and declaring an emergency."

On motion of Senator Cofer, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Thomas.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Mayfield.	

Absent.

Real.	Veale.
Terrell of McLennan.	Ward.

Absent—Excused.

Greer.	Perkins.
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On motion of Senator Cofer, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Cofer, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.

Absent.

Real.	Veale.
Terrell of McLennan.	Willacy.
Thomas.	

Absent—Excused.

Greer.	Perkins.
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The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.	Mayfield.
Brachfield.	Meachum.
Bryan.	Murray.
Cofer.	Paulus.
Harper.	Peeler.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.

Absent.

Alexander.	Thomas.
Real.	Veale.
Terrell of Bowie.	Willacy.
Terrell of McLennan.	

Absent—Excused.

Greer.	Perkins.
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Senator Cofer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SIMPLE RESOLUTION.

By Senator Watson:

Resolved, That the Enrolling Clerk return at once to the Senate the following bills: Senate bills Nos. 263 and 56.

The resolution was read and adopted.

SIMPLE RESOLUTION.

By Senator Watson:

Resolved, That the Governor be requested to return to the Senate for correction, Senate bills Nos. 196 and 210.

The resolution was read and adopted.

FIFTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 452, A bill to be entitled "An Act to amend Article 3385, Title 69 of the Revised Statutes of Texas of 1895, relating to local option, so as to except from the operation of the articles of said title wholesale druggists selling alcohol to retail or dispensing druggists,

and declaring an emergency," with engrossed rider.

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Senator Brachfield) had referred, after its caption had been read, the following House bill (see above House message for caption):

House bill No. 452 referred to Committee on Public Health.

SENATE BILL NO. 233.

Senator Stokes called up Senate bill No. 233, and there being no objection,

The Chair laid before the Senate, on second reading,

Senate bill No. 233, A bill to be entitled "An Act to require insurance companies other than life insurance companies before they shall receive a certificate of authority to transact business in this State, and requiring all persons, firms or associations before they shall issue or authorize the issuance of any policies of insurance to citizens of this State to file with the Commissioner of Insurance and Banking a bond or to deposit securities to secure the payment of all lawful obligations under such policies to citizens of this State, and providing penalties for violations of some of the provisions of this act."

The committee report, with amendments, was adopted.

The bill was read second time, and

Senator Stokes offered the following amendment, which was read and adopted:

Amend amendment No. 3, line 8, page 5, by striking out the word "corporation" and inserting in lieu thereof the word "co-operative."

STOKES,
MASTERSON.

Senator Stokes offered the following amendment, which was read and adopted:

Amend amendment No. 4 by adding after the word "dollars," in line 13, page 5, the following: "Nor be less than ten thousand dollars."

Bill read second time, and ordered engrossed.

On motion of Senator Stokes, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterston.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Terrell of McLennan. Veale.

Absent—Excused.

Greer. Perkins.

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterston.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Terrell of McLennan. Veale.

Absent—Excused.

Greer. Perkins.

Senator Stokes moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

BILL ORDERED PRINTED IN JOURNAL.

On motion of Senator Watson, Senate bill No. 291 was ordered printed in the Journal (see Appendix for the bill in full).

SENATE BILL NO. 84.

Senator Hume called up Senate bill No. 84, but there was objection, and

On motion of Senator Hume, the pending order of business (Senate bill No. 218) was suspended, and the Senate took up, out of its order, Senate bill No. 84, by the following vote:

Yeas—19.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Murray.	

Nays—5.

Brachfield.	Terrell of Bowie.
Holsey.	Willacy.
Mayfield.	

Absent.

Cofer.	Thomas.
Meachum.	Veale.
Stokes.	

Absent—Excused.

Greer.	Perkins.
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The Chair laid before the Senate, on second reading,

Senate bill No. 84, A bill to be entitled "An Act to amend Sections 4, 8, 10 and 11, Chapter 137 of an act passed by the Regular Session of the Thirtieth Legislature of Texas, 'An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner; providing for his salary and fixing his additional powers and duties; providing resident hunting license for resident hunters in the State of Texas, providing that funds received from the sale of hunting license and fines received from prosecutions for a violation of the game and bird laws shall be used only for the protection and propagation of birds and game; and all the salaries and expenses provided by this act, and providing for the enforcement of the game and bird laws of this State, and providing penalties for the violation thereof; providing for resident hunting license for resident hunters in the State of Texas; providing that funds received from the sale of hunting license be used for the purpose of protecting and propagating game and birds, and the salaries and expenses of the Game Commissioner and his deputies; providing for an additional license; allowing the privilege of the Game Com-

missioner to issue permits to persons desiring to ship domesticated deer or any pet fowl or bird for breeding or exhibition purposes; authorizing county clerks to issue hunting licenses; repealing all laws or parts of laws in conflict herewith; providing fines and penalties, and declaring an emergency."

The bill was read second time, and Senator Harper offered the following amendment, which was read and adopted:

Amend the bill by striking out the following words in lines 29 and 30, page 2, Section 3:

"Any game or game bird or wild fowl," and use in lieu thereof "wild turkeys or deer."

HARPER,
TERRELL of Bowie,
STURGEON,
TERRELL of McLennan.
HOLSEY,
MAYFIELD.

Pending discussion,

On motion of Senator Willacy, the bill was laid on the table, subject to call.

SIXTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 576, A bill to be entitled "An Act to incorporate the city of Fort Worth, Tarrant county, Texas, and to grant it a new special charter for its local government; to define its powers, and to prescribe its duties and liabilities; creating it an independent school district and vesting the management and control of its schools in a board of school trustees; repealing all laws in conflict herewith, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Senator Brachfield) had referred, after its caption had been read, the following House bill (see above House message for caption):

House bill No. 576 referred to Committee on Towns and City Corporations.

HOUSE BILL NO. 142.

Senator Weinert called up House bill No. 142, which was on the table subject to call.

The Chair laid before the Senate, on second reading,

House bill No. 142, A bill to be entitled "An Act to create the Texas Library and Historical Commission, setting forth the purposes of the said Library and Historical Commission, defining its powers and duties, repealing Article 2805 of the Revised Civil Statutes of the State of Texas, amending Article 2806, and in general repealing all laws and parts of laws in conflict with this act."

The question on the bill was a pending amendment by Senator Senter (see Journal March 3) for amendment.

Senator Weinert offered the following substitute for the amendment, which substitute was read and adopted:

Amend the bill, Section 3, page 3, by striking out all after the word "State," in line 9, down to and inclusive of the word "books," in said Section 3, and insert after the word "purchase," in line 8, Section 3, the words "within the limits of the appropriation made therefor."

WEINERT.
COFER.

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill by inserting after the word "quarterly," in line 9, page 7, Section 7, the words: "And shall be authorized to approve the vouchers for all expenditures made in connection with the State Library."

WEINERT,
COFER.

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill by inserting after the words "State Library," in line 28, page 1, Section 1, the following:

"And to adopt and to enforce reasonable rules and regulations governing its administration and control."

WEINERT,
COFER.

Senator Cofer offered the following amendment, which was read and adopted:

Amend bill by striking out words "to conduct traveling libraries," in line 27, Section 1, page 1.

COFER,
WEINERT.

Bill read second time, and passed to a third reading.

RECESS.

On motion of Senator Kellie, the Senate recessed until 8 o'clock tonight.

AFTER RECESS—NIGHT SESSION.

The Senate was called to order by President Pro Tem. Terrell.

HOUSE BILL NO. 142.

Senator Weinert here moved to reconsider the vote by which House bill No. 142 passed to a third reading.

The motion prevailed.

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill by adding the following:

"Section 13. The crowded condition of the calendar, and the importance of this measure, creates an emergency and an imperative public necessity, requiring the suspension of the constitutional rule which requires that all bills be read on three several days, and it is hereby suspended; and that this act take effect and be in force from and after its passage, and it is so ordered."

COFER,
WEINERT.

Senator Weinert offered the following amendment, which was read and adopted:

Amend the caption of the bill by adding after the word "act," in line 22, the following: "And declaring an emergency."

Bill read second time, and passed to third reading.

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Masterson.
Alexander.	Mayfield.
Brachfield.	Meachum.
Bryan.	Murray.
Cofer.	Paulus.
Harper.	Peeler.
Hayter.	Real.
Holsey.	Stokes.
Hume.	Sturgeon.
Kellie.	Terrell of Bowie.

Terrell of McLennan. Watson.
Thomas. Weinert.
Ward. Willacy.

Absent.

Hudspeth. Veale.
Senter.

Absent—Excused.

Greer. Perkins.

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Stokes.
Cofer.	Sturgeon.
Hayter.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—4.

Harper.	Mayfield.
Holsey.	Terrell of Bowie.

Absent.

Hudspeth. Veale.
Senter.

Absent—Excused.

Greer. Perkins.

Senator Weinert moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE JOINT RESOLUTION NO. 5.

Senator Alexander called up, by unanimous consent, House Joint Resolution No. 5.

The Chair laid before the Senate, on third reading,

House Joint Resolution No. 5, To amend Article 7 of the Constitution of the State of Texas by adding thereto Section 3a, validating school districts and the bonded indebtedness of such districts and authorizing the levy and collection of taxes to pay such indebtedness.

The resolution was read third time, and passed by the following vote:

Yeas—26.

Adams.	Brachfield.
Alexander.	Bryan.

Cofer.
Harper.
Hayter.
Holsey.
Hudspeth.
Hume.
Kellie.
Masterson.
Mayfield.
Meachum.
Murray.

Paulus.
Peeler.
Real.
Stokes.
Sturgeon.
Terrell of Bowie.
Terrell of McLennan.
Thomas.
Watson.
Weinert.
Willacy.

Absent.

Senter. Ward.
Veale.

Absent—Excused.

Greer. Perkins.

Senator Alexander moved to reconsider the vote by which the resolution was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE JOINT RESOLUTION NO. 6.

Senator Willacy, by unanimous consent, called up House Joint Resolution No. 6.

Senator Willacy moved that the Senate rescind the vote by which the resolution was recommitted on March 4.

The motion prevailed.

The Chair laid before the Senate, on second reading,

House Joint Resolution No. 6, To amend Section 3 of Article 7 of the Constitution of the State of Texas, in regard to the formation and taxing power of school districts.

The resolution was read second time, and passed to a third reading.

CONSIDERATION OF LOCAL BILLS.

Here the Senate, in accordance with a resolution adopted this morning, proceeded to the consideration of local bills.

HOUSE BILL NO. 411.

The Chair laid before the Senate, on second reading, on motion of Senator Adams,

House bill No. 411, A bill to be entitled "An Act to amend Section 11, Chapter 76 of special road law for Erath county of the Acts of the Twenty-seventh Legislature, fixing the compensation of road commissioners, and declaring an emergency."

On motion of Senator Adams, the

committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Adams, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Ward.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Thomas.	Watson.
Veale.	

Absent—Excused.

Greer.	Perkins.
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The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Ward.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Thomas.	Watson.
Veale.	

Absent—Excused.

Greer.	Perkins.
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Senator Adams moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 576.

Senator Alexander called up House bill No. 576.

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Bryan.	Veale.
Thomas.	

Absent—Excused.

Greer.	Perkins.
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On motion of Senator Alexander, the Senate rule requiring committee reports to lie over for one day was suspended for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Thomas.	Veale.
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Absent—Excused.

Greer.	Perkins.
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The Chair laid before the Senate, on second reading,

House bill No. 576, Fort Worth city charter.

On motion of Senator Alexander, the committee report, which provided that the bill be not printed, was adopted.

Senator Alexander offered the following amendment, which was read and adopted:

Amend Section 3, Chapter 2 of House bill No. 576 by striking out the words "until his successor shall have been appointed and qualified," in lines 13 and 14 of said section, and insert in lieu thereof the following: "Until his successor shall have been elected and qualified."

Senator Alexander offered the following amendment, which was read and adopted:

Amend Section 11, Chapter 9 of House bill No. 576, as passed by the House, by striking out in lines 18 and 19 the following words: "And not less than five thereafter."

Senator Alexander offered the following amendment, which was read and adopted:

Amend Section 1, Chapter 14 of House bill No. 576 by striking out all of the first nine lines of said Section, and down to and including the word "act," in line 10 in the bill as passed by the House, and inserting in lieu thereof the following:

"Section 1. It is provided that immediately upon the taking effect of this charter, and as soon thereafter as practicable it shall be mandatory upon the board of commissioners of the city of Fort Worth to provide for an issue of one hundred thousand dollars of bonds of the corporate government of said city, and that during the year 1910 and as soon as practicable after the beginning of said year, it shall be mandatory upon the said board of commissioners to provide for an additional issue of one hundred thousand dollars (\$100,000) of bonds of the corporate government of said city, and that the proceeds of both issues of bonds shall be devoted exclusively to the creation and construction of an adequate sewer system, the extension of water works, the erection of school buildings and the purchase of all necessary lands therefor in that part of the said city of Fort Worth which is described in Section 2 of this act."

Senator Alexander offered the following amendment, which was read and adopted:

Amend House bill No. 576 by adding at the end of Section 18, Chapter 6, the following:

"Provided, That in addition to the taxation herein authorized the board of commissioners may levy a special tax

of 25 cents on the \$100 for extension and improvements of the water works, and may pledge the income of such special taxes for the payment of debts contracted for such extensions or improvements of the water works; provided, that no such special tax may be levied nor such debts contracted, except upon the approval of a majority of the qualified voters of Fort Worth at an election duly ordered and held for that purpose according to the referendum provisions of this charter."

Senator Alexander offered the following amendment, which was read and adopted:

Amend Section 3, Chapter 13 of House bill No. 576 by striking out the figures "1911," in said section, and inserting in lieu thereof the figures "1910."

Senator Alexander offered the following amendment, which was read and adopted:

Amend Section 29, Chapter 9 of House bill No. 576 by adding at the end of said section the following:

"But the board of commissioners may provide by ordinance that any purchase or contract heretofore made by the present board of commissioners may be ratified or confirmed by a vote of the qualified voters of Fort Worth at an election to be held for that purpose. The board of commissioners may order said election in their discretion or upon a petition presented to said board by as many as 500 qualified voters of said city of Fort Worth. If at such election a majority of the qualified voters participating in such election shall vote in favor of ratifying or confirming said contract or purchase so submitted then said contract or purchase shall be deemed and held valid and binding, and if a majority of such voters shall be against such purchase or contract, then such purchase or contract shall be deemed and held to be invalid."

Senator Alexander offered the following amendment, which was read and adopted:

Amend Section 19, Chapter 13 of House bill No. 576 by striking out after the word "exceeding," in line 3 of said section the words "two hundred thousand dollars (\$200,000) during a," and inserting in lieu thereof the following: "Four hundred thousand dollars (\$400,000) during any."

Senator Alexander offered the following amendment, which was read and adopted:

Amend Section 2, Chapter 8 of House bill No. 576, as passed by the House,

by adding after the words "prosecuting attorney," in line 15, the words "or corporation counsel."

Senator Alexander offered the following amendment, which was adopted:

Amend Section 8 of Chapter 9, House bill No. 576, by adding after the words "sprinkling," in line 6 of said section the words "or sweeping."

Senator Alexander offered the following amendment, which was read and adopted:

Amend Section 3, Chapter 1, by striking out in lines 4 and 5 of said section the words "where such territory is equal in area to not less than one-half miles square."

Senator Alexander offered the following amendment, which was read and adopted:

Amend Section 3, Chapter 1, House bill No. 576, by striking out the word "same," in line 5 of said section, as engrossed by the House and inserting in lieu thereof the word "territory."

Senator Alexander offered the following amendment, which was read and adopted:

Amend Section 5, Chapter 2 of House bill No. 576 by striking out in said section the last sentence, beginning with the words "but the salary of," and inserting in lieu thereof the following: "Provided the salary of the city auditor shall not be fixed at a less sum than \$3000 per annum, payable in monthly installments."

Senator Alexander offered the following amendment, which was read and adopted:

Amend Section 2 of Chapter 13 by striking cut all of said Section 2 after the words "Fort Worth," and inserting in lieu thereof the following: "To succeed the three members of the present board whose terms of office expire on that date."

Senator Alexander offered the following amendment, which was read and adopted:

Amend Section 33 of Chapter 9 of House bill No. 576 by adding at the end of said Section 33 the following words: "Or any person standing in the place or stead of such parent or guardian."

Senator Alexander offered the following amendment, which was read and adopted:

Amend Section 3, Chapter 2 of House bill No. 576 by inserting after the words "five commissioners," in line 5 of said section the words "a corporation counsel."

Senator Alexander offered the follow-

ing amendment, which was read and adopted:

Amend Section 32, Chapter 9 of House bill No. 576 by striking out the following words in lines 5 and 6 of said section: "When such office becomes appointive under this charter."

Senator Alexander offered the following amendment, which was read and adopted:

Amend Section 3, Chapter 6 of House bill No. 576 by striking out in lines 4 and 5, page 46 of the bill as engrossed in the House the words "within the period of one year but no longer."

Senator Alexander offered the following amendment, which was read and adopted:

Amend Section 3, Chapter 2 of House bill No. 576 by inserting after the words "five commissioners," in line 5 of said section the following: "Subject to the provisions of Section 1 of Chapter 2."

Senator Alexander offered the following amendment, which was read and adopted:

Amend House bill No. 576 by striking out all of Section 2, on pages 1, 2 and 3, down to the word "inasmuch," and insert in lieu thereof the following:

"Section 2. The corporate boundaries and limits of the said city of Fort Worth, as constituted and created by this act are as follows:

"Situated in Tarrant county, Texas, and beginning at a point in the south boundary line of the J. M. C. Lynch survey where said line is intersected by the west bank of the Clear Fork of the Trinity river;

"Thence in a southerly direction with the west bank of said river to a point where said west bank intersects the south boundary line of the G. Shields survey;

"Thence east across said river with the south line of the said Shields survey and the north boundary line of the E. S. Harris survey to a point in said line 950 varas west of the northeast corner of the Harris survey;

"Thence south through said Harris survey to a point in the south boundary line of said Harris survey, 950 varas west from its southeast corner;

"Thence east along the north boundary line of the A. Gouhenant survey to the west boundary line of the J. N. Ellis survey;

"Thence south along the west line of the J. N. Ellis survey to the north boundary line of the W. B. Tucker survey;

"Thence west with the north boundary

line of the said Tucker survey to its northwest corner;

"Thence south with the west line of the said Tucker survey and of the P. M. Truett survey to the southwest corner of said Truett survey;

"Thence east with the south boundary line of the said Truett survey and of the Lydia J. Warwick survey to the southeast corner of said Warwick survey;

"Thence northerly with said east boundary line of said Warwick survey to the northwest corner of the Geo. W. Hartzog survey and the southwest corner of the A. Stinson survey;

"Thence east along the north boundary line of the said Hartzog survey to a point in the said north boundary line due south of an extension of the west boundary line of the B. F. Waller and James Sanderson surveys;

"Thence north with said line extended to the northeast bank of Trinity river, and continuing north to the northeast corner of the B. F. Crowley survey;

"Thence west along the north line of the B. F. Crowley and the R. Briggs surveys to a point one-quarter of a mile east of the northwest corner of the R. Briggs survey;

"Thence north 1200 feet;

"Thence west to the west line of the Fort Worth and Denton public road;

"Thence north along the west line of said public road to a point north 78 degrees east from the southeast corner of the H. C. Holloway lands;

"Thence south 78 degrees west, following the south line of the said Holloway lands to the east bank of the Trinity river;

"Thence down the east bank of the said Trinity river to a point east and opposite the north bank of Marine creek, where it empties into the river;

"Thence, northwesterly along the north bank of Marine creek to the west line of North Main street, where it crosses between Twenty-fifth and Twenty-sixth streets, in the present corporation of the city of North Fort Worth;

"Thence north along the west line of North Main street to the south line of the M. C. Jobe survey;

"Thence west along the south line of the said M. C. Jobe and Cohn surveys to the east line of the A. T. Card survey;

"Thence north to the northeast corner of said Card survey;

"Thence west along the north line of the said Card survey to the northwest corner of the same;

"Thence south along the west line of the A. T. Card and L. Moore surveys to the north line of the John Childress survey, and continuing south to the south boundary line of said Childress survey;

"Thence east along the south boundary line of the Childress survey to the northwest corner of the R. O. Reeves survey;

"Thence south along the west line of the R. O. Reeves survey to the north bank of the Trinity river;

"Thence following the meanderings of said river to the south line of the J. Baugh survey;

"Thence eastward along the south line of the said J. Baugh survey to the southeast corner thereof, and the northwest corner of the A. Gouhenant survey;

"Thence south with the west line of said Gouhenant survey and the east line of the R. Crowley survey, and the east line of the Wm. Brussell survey to the west bank of the said Clear Fork of the Trinity river, and following the meanderings of the same to the north line of the J. M. C. Lynch survey;

"Thence west with the the north line of the J. M. C. Lynch survey 1450 feet to a stake;

"Thence south to the west bank of said Clear Fork of the Trinity river;

"Thence southwesterly with the meandering of said Clear Fork of Trinity river to the place of beginning."

Bill read second time, and passed to a third reading.

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Alexander.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Brachfield.	Veale.
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Absent—Excused.

Greer.

Perkins.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Brachfield.
Stokes.

Veale.

Absent—Excused.

Greer.

Perkins.

Senator Alexander moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 313.

Senator Brachfield called up Senate bill No. 313.

On motion of Senator Brachfield, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Veale.

Absent—Excused.

Greer.

Perkins.

On motion of Senator Brachfield, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Willacy.

Absent.

Veale.

Weinert.

Watson.

Absent—Excused.

Greer.

Perkins.

The Chair laid before the Senate, on second reading,

Senate bill No. 313, A bill to be entitled "An Act granting Palestine, Anderson county, Texas, a new charter of incorporation; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

On motion of Senator Brachfield, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Brachfield, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Veale.

Absent—Excused.

Greer.

Perkins.

The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Veale.

Absent—Excused.

Greer.

Perkins.

Senator Brachfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table. The motion to table prevailed.

HOUSE BILL NO. 576.

Here Senator Alexander moved to rescind the vote by which House bill No. 576 was finally passed.

The motion prevailed.

The Chair then laid the bill before the Senate on third reading.

Senator Alexander offered the following amendment:

Amend the bill by inserting in line 2 of the caption of the bill as passed by the House, after the word "Texas," the words "and defining its boundaries."

The amendment was adopted by the following vote:

Yeas—26.

Adams.	Kellie.
Alexander.	Masterson.
Brachfield.	Mayfield.
Bryan.	Meachum.
Cofer.	Murray.
Harper.	Paulus.
Hayter.	Peeler.
Holsey.	Real.
Hudspeth.	Senter.
Hume.	Sturgeon.

Terrell of Bowie.	Watson.
Terrell of McLennan.	Weinert.
Thomas.	Willacy.

Absent.

Stokes.

Ward.

Veale.

Absent—Excused.

Greer.

Perkins.

The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Veale.

Absent—Excused.

Greer.

Perkins.

Senator Alexander moved to reconsider the vote by which the bill was passed, and lay that motion on the table. The motion to table prevailed.

SENATE JOINT RESOLUTION NO. 6.

The Chair laid before the Senate, on second reading, on motion of Senator Bryan,

Senate Joint Resolution No. 6, To amend Article 11, Sections 4 and 5 of the Constitution of the State, authorizing cities and towns within the State of Texas, to be incorporated by special act where the population exceeds 5000 inhabitants.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the resolution by striking out the words "days of," in line 32, page 1, and insert the words "first Tuesday in August."

Senator Alexander offered the following amendment, which was read and adopted:

Amend the resolution by adding:

"Sec. 3. That \$5000, or as much thereof as may be necessary, be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated to defray the expense of advertising and holding the election provided for above."

The resolution was read second time, and ordered engrossed.

(Senator Brachfield in the chair.)

SENATE BILL NO. 311.

Senator Cofer called up Senate bill No. 311.

On motion of Senator Cofer, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading, by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Masterson. Veale.

Absent—Excused.

Greer. Perkins.

On motion of Senator Cofer, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—27.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Harper.	Real.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Kellie.	Terrell of McLennan.

Thomas.
Ward.
Watson.

Weinert.
Willacy.

Absent.

Masterson.

Veale.

Absent—Excused.

Greer.

Perkins.

The Chair laid before the Senate, on second reading,

Senate bill No. 311, local road law for Grayson county (see committee report for caption).

On motion of Senator Cofer, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Cofer, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Masterson. Veale.

Absent—Excused.

Greer. Perkins.

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Harper.	Real.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Kellie.	Terrell of McLennan.

Thomas. Weinert.
Ward. Willacy.
Watson.

Absent.

Masterson. Veale.

Absent—Excused.

Greer. Perkins.

Senator Cofer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE JOINT RESOLUTION NO. 4.

Senator Harper called up, by unanimous consent,

Senate Joint Resolution No. 4, To amend Section 9 of Article 8 of the Constitution of Texas, relating to taxation, authorizing a levy to build inter-urban and other railroads.

On motion of Senator Harper, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—23.

Adams.	Peeler.
Alexander.	Senter.
Brachfield.	Stokes.
Bryan.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Cofer.	Mayfield.
Holsey.	Real.
Masterson.	Veale.

Absent—Excused.

Greer. Perkins.

On motion of Senator Harper, the committee report, which provided that the bill be not printed, was adopted.

The resolution was read second time, and ordered engrossed.

SENATE BILL NO. 301.

The Chair laid before the Senate, on second reading, and on motion of Senator Holsey,

Senate bill No. 301, A bill to be entitled "An Act changing and fixing the times of holding the courts in the Fortieth Judicial District of Texas, and providing for a longer term of court to be held in Ellis county, and for all writs and process returnable to the other courts at the time now fixed by law shall be returned at the terms and times now fixed by law shall be returnable at the terms and times as fixed by this act, and shall be valid; and the present district judge now in office and residing in the Fortieth Judicial District shall hold the several terms of court in said district, for and during the term for which he was elected, and this act shall not affect any term of the district court that may be in session in any of the various counties named herein, at the time this act goes into effect, and declaring an emergency."

On motion of Senator Holsey, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—23.

Adams.	Peeler.
Alexander.	Real.
Brachfield.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Mayfield.	Watson.
Murray.	Weinert.
Paulus.	

Absent.

Bryan.	Meachum.
Cofer.	Veale.
Masterson.	Willacy.

Absent—Excused.

Greer. Perkins.

On motion of Senator Holsey, the committee report, which provided that the bill be not printed, was adopted.

Senator Ward offered the following amendment, which was read and adopted:

Amend the bill by striking out all of Section 5, and arrange Sections 6 and 7 to be numbered 5 and 6.

Senator Ward offered the following amendment, which was read and adopted:

Amend the caption by striking out the following words in the caption: "And this act shall not affect any term of the

district court that may be in session in any of the various counties named therein at the time this act takes effect."

Bill read second time, and ordered engrossed.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Stokes. Veale.

Absent—Excused.

Greer. Perkins.

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Veale. Willacy.

Absent—Excused.

Greer. Perkins.

Senator Ward moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 251.

The Chair laid before the Senate, on second reading, on motion of Senator Hudspeth,

House bill No. 251, A bill to be entitled "An Act to validate and legalize all sales of real estate belonging or that belonged to Atascosa county, situated in the town of Pleasanton, in Atascosa county, heretofore made at private sale for and in behalf of said county, by commissioners, each in his representative capacity as commissioner, under appointment of the commissioners court of said county, by orders entered upon its minutes, to sell and dispose of real estate of said county situated in said town, and also validating all conveyances of said real estate made by said commissioners as such, in consummating such sales, and declaring an emergency."

On motion of Senator Hudspeth, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Willacy.
Meachum.	

Absent.

Veale. Weinert.

Absent—Excused.

Greer. Perkins.

On motion of Senator Hudspeth, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Bryan.	Stokes.
Cofer.	Veale.
Holsey.	Willacy.

Absent—Excused.

Greer. Perkins.

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.	Peeler.
Alexander.	Real.
Brachfield.	Senter.
Hayter.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Bryan.	Holsey.
Cofer.	Stokes.
Harper.	Veale.

Absent—Excused.

Greer. Perkins.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 319.

The Chair laid before the Senate, on second reading, and on motion of Senator Hume,

House bill No. 319, A bill to be entitled "An Act to create a more efficient road system for Titus county, Texas."

On motion of Senator Hume, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Hume, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Peeler.
Alexander.	Real.
Brachfield.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Bryan.	Masterson.
Cofer.	Veale.
Holsey.	

Absent—Excused.

Greer. Perkins.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Cofer.	Veale.
Masterson.	

Absent—Excused.

Greer. Perkins.

Senator Hume moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 473.

The Chair laid before the Senate, on second reading, and on motion of Senator Kellie,

House bill No. 473, A bill to be entitled "An Act to amend an act passed on the 31st day of March, 1903, entitled 'An Act to amend Subdivision 9 of Article 22, Title 4 of the Revised Civil Statutes of the State of Texas, 1895,' changing the time of holding court and the length of terms of court in certain counties in the Ninth Judicial District of the State of Texas."

On motion of Senator Kellie, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Masterson. Veale.

Absent—Excused.

Greer. Perkins.

On motion of Senator Kellie, the committee report, which provided that the bill be not printed, was adopted.

The bill was read second time, and passed to third reading.

HOUSE BILL NO. 310.

The Chair laid before the Senate, on second reading, and on motion of Senator Mayfield,

House bill No. 310, A bill to be entitled "An Act to amend Sections 7 and 13 of the special road laws of Bell county, Chapter 63, Acts of the Legislature of 1899, as amended in Chapter 52, Acts of the Legislature of 1907, Special Laws, so as to regulate the pay of county commissioners when acting as road commissioners, and to regulate the time when payment may be made by persons liable to road duty of \$3.00 so as to excuse such persons from road duty, and declaring an emergency."

On motion of Senator Mayfield, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Mayfield, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Masterson. Veale.

Absent—Excused.

Greer. Perkins.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Ward.
Hume.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Kellie. Terrell of Bowie.

Masterson. Veale.

Absent—Excused.

Greer. Perkins.

Senator Mayfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 290.

The Chair laid before the Senate, on second reading, on motion of Senator Meachum,

House bill No. 290, A bill to be entitled "An Act to amend Section 2, Chapter 63 of the General Laws of the State of Texas, passed by the Thirtieth Legislature, relating to the sale or offer of sale or to the shipment for sale, in the county of Montgomery, of any squirrels and providing a penalty, and declaring an emergency."

On motion of Senator Meachum, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Paulus.	Veale.
Terrell of Bowie.	

Absent—Excused.

Greer.	Perkins.
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On motion of Senator Meachum, the committee report, which provided that the bill be not printed, was adopted:

Bill read second time, and passed to a third reading.

On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Hume.
Alexander.	Kellie.
Brachfield.	Masterson.
Bryan.	Mayfield.
Cofer.	Meachum.
Harper.	Murray.
Hayter.	Peeler.
Holsey.	Real.
Hudspeth.	Senter.

Stokes.	Ward.
Sturgeon.	Watson.
Terrell of McLennan.	Weinert.
Thomas.	Willacy.

Absent.

Paulus.	Veale.
Terrell of Bowie.	

Absent—Excused.

Greer.	Perkins.
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The bill was read third time, and passed.

Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SEVENTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 183, A bill to be entitled "An Act prohibiting nepotism, except with regard to the appointment or confirmation of appointment of notaries public or of one who for five years next preceding the date of such appointment shall have held the position, clerkship or employment or performed the duty to which he may be appointed; making it unlawful for any officer of this State, or for any officer of any district, county, city, precinct, school district or other municipal subdivision of this State, or for any officer or member of any State, district, county, city, school district or other municipal board or judge of any court, created by or under authority of any general or special law of this State, to appoint or to vote for or to confirm the appointment to any office, position, clerkship, employment of duty of any person related within the second degree by affinity or within the third degree by consanguinity to the person so appointing or so voting, or to any other member of any such board or court of which such person so appointing or voting may be a member, when the salary, fees, wages, pay or compensation of such appointee is to be paid directly or indirectly out of or from public funds or fees of office; or to appoint or vote for the appointment or for confirmation of the appointment to any such office, position, clerkship,

employment or duty of any person whose services are to be rendered under his direction or control, and to be paid for out of any such public funds or fees of office, and who is related by affinity within the second degree or by consanguinity within the third degree, to any other officer or person included within any of the provisions of this act, for or upon consideration in whole or in part, that such other officer or person has theretofore appointed or voted for the appointment or for the confirmation of the appointment or will thereafter appoint or vote for the appointment, or for the confirmation of the appointment to any such office, position, clerkship, employment or duty of any person related within such prohibited degree of affinity or consanguinity, as the case may be, to such officer or other person making such appointment; prohibiting the approval of any account or the drawing of any warrant or order for or payment of any salary, fee, wages or compensation of such ineligible person; prescribing penalties for violation of this act and procedure for the enforcement of such penalties, prescribing venue in such cases; requiring district and county attorneys to assist the Attorney General, whenever he shall so direct, in quo warranto proceedings under this act; repealing all laws and parts of laws in conflict with any of the provisions of this act, and declaring an emergency," with amendments.

Also concurs in Senate amendments to House bill No. 576 by the following vote: Yeas, 94; nays, 0.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

HOUSE BILL NO. 514.

The Chair laid before the Senate, on second reading, and on motion of Senator Paulus,

House bill No. 514, A bill to be entitled "An Act to amend Senate bill No. 35, an act of the Thirty-first Legislature, and approved by the Governor on the 20th day of February, 1909, to read as follows: To exempt the counties of Val Verde, Medina, Terrell, Jeff Davis, Jackson, Hidalgo, Bandera, Van Zandt, Crosby, Kaufman, Mitchell, Ward, Rains, Erath and Bexar from the provisions and operation of Articles 5002 to 5042 inclusive, Chapter 6, Title 102 of the Revised Civil Statutes of 1895, amended by the Acts of the Twen-

ty-eighth and Twenty-ninth Legislature, relating to the inspection of hides and animals, and repealing all laws in conflict therewith, and declaring an emergency."

On motion of Senator Paulus, the committee report, which provided that the bill be not printed, was adopted.

Senator Murray offered the following amendment, which was read and adopted:

Amend the bill by adding to the list of exempted counties in the body of the bill "Frio county."

Also add "Frio" in the caption of the bill.

Bill read second time, and passed to a third reading.

On motion of Senator Paulus, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Bryan.	Veale.
Terrell of Bowie.	

Absent Excused.

Greer.	Perkins.
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The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Bryan. Veale.
Terrell of Bowie. Willacy.

Absent—Excused.

Greer. Perkins.

Senator Paulus moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 183—HOUSE AMENDMENTS CONCURRED IN.

Senator Harper called up

Senate bill No. 183, A bill to be entitled "An Act prohibiting nepotism, except with regard to the appointment or confirmation of appointment of notaries public or of one who for five years next preceding the date of such appointment," etc.,

And moved that the Senate concur in the following House amendments:

Amend caption by striking out all after the words "notaries public," in line 5 of the caption down to and including the word "appointed," in line 11 of the caption.

Amend the bill by striking out all of Section 4 after the word "thereof," in line 17, page 6 of same.

The motion to concur prevailed by the following vote:

Yeas—24.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Cofer.	Peeler.
Harper.	Real.
Hayter.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.

Absent.

Bryan. Veale.
Stokes. Willacy.
Terrell of Bowie.

Absent—Excused.

Greer. Perkins.

Senator Harper moved to reconsider the vote by which the amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 308.

The Chair laid before the Senate, on second reading, and on motion of Senator Peeler,

Senate bill No. 308, A bill to be entitled "An Act providing for the compensation of county commissioners of Cooke county, when acting as road commissioners and performing the duties imposed upon them by law or by the commissioners court, and declaring an emergency."

On motion of Senator Peeler, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—23.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Meachum.	

Absent.

Bryan. Terrell of Bowie.
Mayfield. Veale.
Stokes. Willacy.

Absent—Excused.

Greer. Perkins.

On motion of Senator Peeler, the committee report, which provided that the bill be not printed, was adopted.

Senator Hudspeth offered the following amendment:

Amend the bill by striking out the enacting clause.

HUDSPETH,
WATSON.

The amendment was lost.

Bill read second time, and passed to a third reading.

On motion of Senator Peeler, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Bryan.
Alexander.	Cofer.
Brachfield.	Harper.

Hayter.	Real.
Hudspeth.	Senter.
Hume.	Sturgeon.
Kellie.	Terrell of Bowie.
Masterson.	Terrell of McLennan.
Meachum.	Thomas.
Murray.	Ward.
Paulus.	Watson.
Peeler.	Weinert.

Absent.

Holsey.	Veale.
Mayfield.	Willacy.
Stokes.	

Absent—Excused.

Greer.	Perkins.
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The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Harper.	Stokes.
Holsey.	Veale.
Mayfield.	Willacy.

Absent—Excused.

Greer.	Perkins.
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Senator Peeler moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 77.

The Chair laid before the Senate, on second reading, on motion of Senator Meachum,

House bill No. 77, A bill to be entitled "An Act to amend Section 2, Chapter 78 of the General Laws of the Regular Session of the Thirtieth Legislature relating to the taking of fish, the purpose of the amendment being to include Brazos, Clay, Collin, Fayette, Gillespie, Hunt, Jack, Kaufman, Mitchell, Rains, Rusk and Van Zandt counties in the exemption of said Section 2, and to strike from the list of counties exempted

under the provisions of said Section 2, Harrison and Lavaca counties."

Senator Meachum offered the following amendment, which was read and adopted:

Amend the printed bill by striking out the word "Rusk," in line 10, page 2, and the word "Somerville" out of line 11, page 2.

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill by striking out the engrossed rider and adding in lieu thereof the following: "Provided that the counties of Gregg, Harrison and Rusk shall be exempt from the provisions of this Section as to the waters of the Sabine river, but no further, and that Harrison county shall be exempt from the provisions of this section in so far as it applies to the waters of Big Cypress, above Tuscombia bridge and Little Cypress."

Senator Meachum offered the following amendment, which was read and adopted.

Amend the bill by striking out the following words in lines 13, 14 and 15, page 2 of the printed bill: "Provided, that Gregg county shall be exempt from the provisions of this section as to the waters of the Sabine river, but no further."

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill on page 2, line 15, by adding after the word "Shelby" the word "Smith," and amend the caption page 1, line 11, by adding after the words "Van Zandt" the words "and Smith."

Senator Meachum offered the following amendment, which was read and adopted:

Amend bill, page 2, line 5, by striking out the word "Coryell."

Bill read second time, and passed to third reading.

On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Hume.
Alexander.	Kellie.
Brachfield.	Masterson.
Cofer.	Meachum.
Harper.	Murray.
Hayter.	Paulus.
Holsey.	Peeler.
Hudspeth.	Real.

Senter. Thomas.
Sturgeon. Ward.
Terrell of Bowie. Watson.
Terrell of McLennan. Weinert.

Absent.

Bryan. Veale.
Mayfield. Willacy.
Stokes.

Absent—Excused.

Greer. Perkins.

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams. Paulus.
Alexander. Peeler.
Brachfield. Real.
Harper. Senter.
Hayter. Sturgeon.
Holsey. Terrell of Bowie.
Hudspeth. Terrell of McLennan.
Hume. Thomas.
Kellie. Ward.
Masterson. Watson.
Meachum. Weinert.
Murray.

Absent.

Bryan. Stokes.
Cofer. Veale.
Mayfield. Willacy.

Absent—Excused.

Greer. Perkins.

Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 521.

Senator Real called up House bill No. 521.

On motion of Senator Real, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading, by the following vote:

Yeas—23.

Adams. Kellie.
Alexander. Masterson.
Brachfield. Meachum.
Cofer. Murray.
Harper. Paulus.
Hayter. Peeler.
Holsey. Real.
Hudspeth. Senter.
Hume. Sturgeon.

Terrell of Bowie. Ward.
Terrell of McLennan. Weinert.
Thomas.

Absent.

Bryan. Veale.
Mayfield. Watson.
Stokes. Willacy.

Absent—Excused.

Greer. Perkins.

On motion of Senator Real, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—24.

Adams. Murray.
Alexander. Paulus.
Brachfield. Peeler.
Cofer. Real.
Harper. Senter.
Hayter. Sturgeon.
Holsey. Terrell of Bowie.
Hudspeth. Terrell of McLennan.
Hume. Thomas.
Kellie. Ward.
Masterson. Watson.
Meachum. Weinert.

Absent.

Bryan. Veale.
Mayfield. Willacy.
Stokes.

Absent—Excused.

Greer. Perkins.

The Chair laid before the Senate, on second reading,

House bill No. 521, independent school district for Bexar county.

The committee report was adopted.

The bill was read second time, and passed to third reading, but the vote was reconsidered.

Senator Real offered the following amendment, which was read and adopted:

Amend House bill No. 521 by striking out all of Section 2 and inserting in lieu thereof the following:

"Sec. 2. That from and after the passage of this act said San Antonio Independent School District shall be under the management and control of seven trustees. The following named trustees, to wit: W. W. Lipscomb, Edgar Schramm, and Edward W. Tynan, who now hold office under the charter now in force for said district by virtue of having been elected by said district, shall hold their

office until the second Tuesday in March, 1910, and until their successors shall be elected and shall have qualified; that on the second Tuesday in April, 1909, there shall be held an election by the qualified voters in said school district for the purpose of selecting four trustees for the completion of said board, but until such time as they are elected, as herein provided, the three trustees above named shall conduct the affairs of the San Antonio Independent School District. The four trustees who shall be elected on the second Tuesday in April, 1909, shall hold their office for two years, or until their successors shall have been elected and shall have qualified, and every year thereafter there shall be held an election on the second Tuesday in April for the purpose of electing trustees, and the term of office of all trustees, under the provisions of this act, shall be for two years from the date of their election and until their successors shall have been elected and qualified."

Senator Real offered the following amendment, which was read and adopted:

Amend House bill No. 521, in Section 3 thereof, by striking out the words "three trustees" wherever same shall appear in the bill, and inserting in lieu thereof the words "seven trustees."

Senator Real offered the following amendment, which was read and adopted:

Amend House bill No. 521, in Section 4 thereof, by striking out the following words: "Said trustees shall each receive an annual salary of \$1800 per year, payable in monthly installments, and no more," and inserting in lieu thereof the following: "Said trustees shall serve without compensation and the said board shall have the authority to appoint a business agent, who shall be an expert accountant, for said board, at a salary of not to exceed \$2000 per year, and the duties of the said agent shall be defined by the board."

Bill read second time, and passed to third reading.

On motion of Senator Real, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Hudspeth.
Alexander.	Hume.
Brachfield.	Kellie.
Cofer.	Masterson.
Harper.	Mayfield.
Hayter.	Meachum.
Holsey.	Murray.

Paulus.	Terrell of McLennan.
Peeler.	Thomas.
Real.	Ward.
Senter.	Watson.
Sturgeon.	Weinert.

Absent.

Bryan.	Veale.
Stokes.	Willacy.
Terrell of Bowie.	

Absent—Excused.

Greer.	Perkins.
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The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Meachum.	Weinert.

Absent.

Bryan.	Veale.
Mayfield.	Willacy.
Stokes.	

Absent—Excused.

Greer.	Perkins.
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Senator Real moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 583.

The Chair laid before the Senate, on second reading,

House bill No. 583, A bill to be entitled "An Act to amend Subdivision 5 of Article 11 of an act entitled 'An Act to grant a new charter to the city of Dallas, Dallas county, Texas,' etc., passed by the Thirtieth Legislature, and approved April 13, 1907."

On motion of Senator Senter, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Senter, the constitutional rule requiring bills to be read on three several days was suspended,

and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Bryan.	Veale.
Stokes.	Willacy.

Absent—Excused.

Greer.	Perkins.
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The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Bryan.	Veale.
Stokes.	Willacy.

Absent—Excused.

Greer.	Perkins.
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Senator Senter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 314.

Senator Terrell of Bowie called up Senate bill No. 314, and

On motion of Senator Terrell of Bowie, the constitutional rule requiring bills to be read on three several days was sus-

pended, and the bill put on its second reading, by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Meachum.	

Absent.

Mayfield.	Veale.
Stokes.	Willacy.

Absent—Excused.

Greer.	Perkins.
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On motion of Senator Terrell of Bowie, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.

Absent.

Stokes.	Willacy.
Veale.	

Absent—Excused.

Greer.	Perkins.
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The Chair laid before the Senate, on second reading,

Senate bill No. 314, amendment to Texarkana city charter.

The committee report was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Terrell of Bowie, the constitutional rule requiring bills to be read on three several days was sus-

pending, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.

Absent.

Stokes.	Willacy.
Veale.	

Absent—Excused.

Greer.	Perkins.
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The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.

Absent.

Stokes.	Willacy.
Veale.	

Absent—Excused.

Greer.	Perkins.
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Senator Terrell of Bowie moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

EIGHTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following:

House bill No. 368, A bill to be entitled "An Act to amend the charter of the city of Galveston, so as to prescribe saloon limits in the city of Galveston by adding to charter Sections 62a and 62b, and declaring an emergency."

Senate bill No. 313, A bill to be entitled "An Act granting Palestine, Anderson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

HOUSE BILL NO. 414.

The Chair laid before the Senate, on second reading,

House bill No. 414, A bill to be entitled "An Act to amend Sections 1, 2, 3 and 4, Chapter 55 of an act passed by the Twenty-eighth Legislature at its Regular Session in 1903, and entitled 'An Act to create a special road law for Delta county, and providing for levying and collecting a road tax; and authorizing the commissioners court of said county to employ road superintendents and laborers on the public roads thereof; also to work convicts in opening, laying out and repairing said roads; giving the commissioners court the power to establish, change, improve or discontinue public roads, and to purchase and use all necessary teams and implements for that purpose, and giving to said court the power to condemn land for establishing, widening, draining and otherwise improving the public roads, and to cause obstructions to be removed therefrom; making each commissioner of said county a road superintendent in his precinct, and prescribing his duties; fixing the compensation for county commissioners for road service, and providing for the general supervision by the commissioners court of all public roads in said county, and declaring an emergency.'"

The committee report was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Thomas, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Brachfield.
Alexander.	Bryan.

Cofer.	Peeler.
Harper.	Real.
Hayter.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

Absent.

Masterson.	Veale.
Stokes.	Willacy.

Absent—Excused.

Greer.	Perkins.
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The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Masterson.	Veale.
Stokes.	Willacy.

Absent—Excused.

Greer.	Perkins.
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Senator Thomas moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion prevailed.

SENATE BILL NO. 299.

The Chair laid before the Senate, on second reading, on motion of Senator Ward,

Senate bill No. 299, A bill to be entitled "An Act creating the Venus Independent School District, in Johnson county, Texas."

The committee report was adopted.

Senator Ward offered the following amendment, which was read and adopted:

Amend the bill by striking out all of

the field notes after Section 1, and add the following field notes:

"Beginning at northwest corner of Mrs. J. A. Graves' tract;

"Thence south 30 degrees east 721 varas to stake;

"Thence south 60 degree west 2717 varas to stake;

"Thence south 30 degrees east 7845 varas to stake;

"Thence north 60 degrees east 2000 varas;

"Thence south 30 degrees east 620 varas.

"Thence north 60 degrees east 942 varas to Johnson and Ellis county line;

"Thence north with said line 8920 varas to stake in same;

"Thence south 60 degrees west 4863 varas to place of beginning, containing 7060 acres more or less."

Bill read second time, and ordered engrossed.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.

Absent.

Masterson.	Veale.
Stokes.	Willacy.
Thomas.	

Absent—Excused.

Greer.	Perkins.
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The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Hudspeth.
Alexander.	Hume.
Brachfield.	Kellie.
Bryan.	Mayfield.
Cofer.	Meachum.
Harper.	Murray.
Hayter.	Paulus.
Holsey.	Peeler.

Real.	Terrell of McLennan.
Senter.	Ward.
Sturgeon.	Watson.
Terrell of Bowie.	Weinert.

Absent.

Masterson.	Veale.
Stokes.	Willacy.
Thomas.	

Absent—Excused.

Greer.	Perkins.
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Senator Ward moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 223.

The Chair laid before the Senate, by unanimous consent,

Senate bill No. 223, A bill to be entitled "An Act to amend Article 3503, Title 73, Revised Civil Statutes of 1895, relating to the appointment of notaries public, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Cofer, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading, and final passage by the following vote:

Yeas—24.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of
Hudspeth.	McLennan.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Masterson.	Veale.
Stokes.	Willacy.
Thomas.	

Absent—Excused.

Greer.	Perkins.
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The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Brachfield.
Alexander.	Bryan.

Cofer.	Paulus.
Harper.	Peeler.
Hayter.	Real.
Holsey.	Senter.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.

Absent.

Masterson.	Veale.
Stokes.	Willacy.
Thomas.	

Absent—Excused.

Greer.	Perkins.
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Senator Cofer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 370, "An Act to amend Chapter 72, page 172, Acts of the Twenty-seventh Legislature, being an act entitled 'An Act to create a more efficient road system for Karnes county, Texas, and making the county commissioners of said county ex-officio road commissioners; and prescribing their duties as such and providing for their compensation as such road commissioners; and providing for the working of county convicts upon the public roads of said county; providing for commutation of time for good behavior and good service, and providing for a reward to be offered for the recapture of an escaped convict and taxing said reward and all actual expenses of capture and delivery of said convict against said convict; and providing for a penalty for the escape of a county convict; and providing for the amount of compensation in road time to be allowed by overseers to road hands for teams, plows, scrapers and wagons; and providing for the condemnation of land for public road purposes; and providing for the character of work that road commissioners may require of overseers and hands; and providing further, making this law cumulative of the general laws, and in case of conflict this act to govern as to Karnes county, Texas, so as to provide that each county commis-

sioner when acting as road commissioner and performing the duties imposed upon him by the commissioners court shall receive \$3.00 a day for services actually performed; provided, said sum to be paid him shall not exceed \$25 a quarter."

House bill No. 412, "An Act to amend Section 6 of an act passed by the Twenty-seventh Legislature, as amended by the Twenty-eighth Legislature, as amended by the Thirtieth Legislature, creating a special road system for Coryell county and declaring an emergency."

House bill No. 5, "An Act to establish the West Texas State Normal College, and providing that the State Board of Education shall control the same, and making an appropriation therefor, and declaring an emergency."

House bill No. 316, "An Act to restore civil jurisdiction of the county court of Henderson county, and to repeal so much as applies to Henderson county of the act approved February 25, 1881, entitled 'An Act to diminish the civil and criminal jurisdiction of the county court of Henderson, Parker, Lampasas, Blanco, Bexar, Kimble, Nueces, Gillespie, Kendall, Uvalde, Wheeler, Oldham, Bandera, Wharton, McMullen, Medina, Frio, Dimmit, LaSalle, Hidalgo, Starr, Zapata, Duval and Burnet counties, and to conform the jurisdiction of the district and justice courts of said counties to such change; to provide for the transfer of certain causes now pending; to define the jurisdiction of said county court, and declaring an emergency."

House bill No. 100, "An Act to amend Article 4785a, Chapter 6, Title 97 of the Revised Statutes of the State of Texas, 1895, so as to leave Jack county out of the list of counties exempted."

House bill No. 349, "An Act to create the Martindale Independent School District, and declaring an emergency."

House bill No. 321, "An Act to create a more efficient road system for Polk county, Texas."

House bill No. 252, "An Act to amend Chapter 5 of the Special Laws of the Twenty-ninth Legislature, entitled 'An Act to create a more efficient road system for Kaufman county, Texas.'"

House bill No. 152, "An Act appropriating the sum necessary to refund the unearned portion of the State occupation tax paid upon all liquor dealers' licenses which were unexpired on July 12, 1907, and which were abrogated on that date."

Senate bill No. 171, "An Act to amend Sections 2, 3, 4, 5 and 6 of Chapter 124 of the Acts of the Regular Session

of the Twenty-ninth Legislature, relating to the investment of the permanent school fund by the Board of Education, by providing for purchase by said board of bonds for the United States, the State of Texas, the bonds of the counties of the State of Texas, the bonds of the independent school districts of Texas and of the common school districts of said State, and declaring an emergency."

Senate bill No. 19, "An Act to provide for the location and establishment of a factory for the manufacture of cotton bagging, cotton sacks and cotton twine by the board of management of the State penitentiary for the employment of managing experts and of certain State convicts in the operation of said factory, and to make an appropriation therefor."

ADJOURNMENT.

On motion of Senator Weinert, the Senate adjourned until 10 o'clock tomorrow morning.

APPENDIX.

SENATE BILL NO. 269—PRINTED IN JOURNAL.

Following is Senate bill No. 269, printed in the Journal by order of the Senate (see committee report):

S. B. No. 269.

By Meachum and Watson.

A BILL

To Be Entitled

An Act providing for surveys within this State for the construction and maintenance of pools, lakes, reservoirs, dams, canals and waterways, and for either or any of them, to prevent overflows; to procure drainage and for the improvement of rivers, creeks and streams by levees or otherwise, to prevent overflows; to provide for the creation of a State Levee and Drainage Board, and defining and prescribing the duties and powers of said board, and providing for the payment of their expenses; authorizing and empowering said board to appoint a commissioner to be known as State Levee and Drainage Commissioner, defining his powers and prescribing his duties, and authorizing said board to prescribe his further duties not in conflict with this act; and making an appropriation to carry out the provisions of this act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That there be and is hereby created and established a board, to be known as the State Levee and Drainage Board, composed of the Governor, who shall be chairman of said board, the Attorney General, and the Commissioner of the General Land Office.

Sec. 2. The said board shall have general charge of the work provided for in this act and shall appoint a commissioner to be known as State Levee and Drainage Commissioner, who shall act as technical assistant and adviser to the board and who shall be a thoroughly experienced and skilled topographer and who shall serve without compensation from the State for a term of two years, and until his successor is appointed and qualified; provided, that the said commissioner, with the approval of the board may be reimbursed for his actual and necessary traveling and station expenses while in the field in behalf of the State, and that he may be reimbursed from any money hereinafter appropriated to carry out the provisions of this act.

Sec. 3. The said commissioner with the advice and consent of the board is authorized to confer with the director or representative of the United States Geological Survey and to accept its co-operation with this State in the preparation and completion of contour, topographical surveys and maps within this State which are hereby authorized to be made. And the said commissioner with the consent of the said board is further authorized to accomplish an agreement for the co-operation herein provided for and to arrange on behalf of the State the details of such surveys and maps as are necessary in the future work of planning and constructing levee systems and drainage and such other public improvements as may be required to reclaim for agricultural uses the overflowed valleys of the following rivers within this State, towit: The Trinity river; the Brazos river, below Waco; the Little Brazos; the Colorado river, below Austin, and the valleys of such other rivers as may be deemed advisable by the Levee and Drainage Board to carry out the purposes of this act; provided, that similar surveys and maps for similar purposes may also be made of the marsh and swamp lands and overflowed areas in the coastal plain of this State. And the said board shall have the power to determine at what point such work shall begin and be continued.

Sec. 4. The said commissioner with

the consent of said board is authorized to expend in co-operation with the said United States Geological Survey for these purposes all or part of the money hereinafter appropriated in this act; provided, that the said board may accept or reject the co-operation of the United States Geological Survey at any time upon thirty days' notice.

Sec. 5. It shall further be the duty of the said commissioner to confer in a technical capacity, from time to time, with the proper representatives of the several State drainage and reclamation districts with a view to the adequate execution of proposed levee and drainage system; and with the approval of the board to maintain within the State Capitol for public reference duplicate or original copies of all final results of this survey, such as field notes, maps, photographs, photolithographs and other estimates as are or may be of value to the people of the State.

Sec. 6. To carry out the provisions of this act the sum of fifty thousand dollars, or as much thereof as may be needed, is hereby appropriated from any money in the State Treasury which is not otherwise appropriated; provided, the said board shall have power to make such apportionment and allotment of the money herein appropriated as to properly carry out the work herein authorized.

SENATE BILL NO. 270—PRINTED IN JOURNAL.

Following is Senate bill No. 270, printed in the Journal by order of the Senate:

S. B. No. 270.

By Harper.

A BILL

To Be Entitled

An Act to prevent the neglect of children in the primary grades by excluding advanced students under certain conditions from schools having only one teacher, and to provide that trustees may make special provision for the teaching of such students and that trustees of adjacent and convenient districts may provide joint high schools for giving suitable instruction in advanced grades or subjects; to provide that any person or persons above the lower limit of the free school age may receive instruction in the public free schools free of charge, in the subjects named in the law; to provide that a per capita fee of one dollar per year may be

charged of pupils entering a joint high school; to provide that teachers may not lawfully attempt to give instruction in the public free schools in subjects in which they have not been examined; to repeal Section 100 of Chapter 124 of the Acts of the Twenty-ninth Legislature, and to declare an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. All public free schools in this State shall be required to have taught in them orthography, reading in English, penmanship, elementary arithmetic, the elements of English grammar and composition, modern geography, physiology and hygiene, including the effects of alcoholics and narcotics on the human system, mental arithmetic, Texas history, United States history, civil government, and elementary agriculture; provided that elementary agriculture shall not be required to be taught in independent school districts having a scholastic population of three hundred or more, unless so ordered by the school boards; provided further, that suitable instruction shall be given in the primary grades once each week regarding kindness to animals of the brute creation and the protection of birds and their nests and eggs.

Sec. 2. In schools taught by one teacher only, it shall not be lawful for the teacher to neglect the smaller children to give undue time and attention and instruct the pupils in the higher classes. In those schools taught by one teacher only, it shall not be lawful for the trustees to require or permit the teacher to undertake to give instruction during the regular school hours in subjects not named in Section 1 of this act, and teachers in said schools having only one teacher shall not attempt to give instruction in subjects not named in Section 1 of this act.

Sec. 3. In schools that enroll, or that would or could enroll, as many as twenty bona fide students in the seventh grade and above that grade, as prescribed in the course of study for the public free schools of Texas, by the State Department of Education, and that shall maintain an average daily attendance of not less than fifteen bona fide pupils in said grades above the sixth, the trustees may employ an additional teacher, who shall instruct the pupils in said higher grades or subjects and perform such other duties as the board of trustees may prescribe and

require; provided, that for every thirty pupils or major fraction thereof in any public free school the trustees may employ one teacher.

Sec. 4. Any person who needs and desires instruction in the subjects and branches named in Section 1 of this act shall have the right to attend free of charge the public free school in the district in which he or she resides, and shall receive free instruction in said subjects, regardless of his or her age; provided, that this act shall not be construed to grant free tuition to children that are under the free school age; provided further, that the provisions of this act shall not be construed to grant and allow free tuition to persons who are over the free school age now fixed by law in any other subject or subjects than those named in Section 1 of this act.

Sec. 5. It shall be the duty of the trustees of the district in which there are more than one school, to make special provisions for the instruction of pupils in the grades above the sixth grade, or including the sixth and above, by requiring all such advanced pupils to attend together one school in the district, and the trustees shall provide competent instruction for such advanced pupils in the school which they are required to attend. In case there are not a sufficient number of such advanced pupils in and above the sixth grade in a given district to warrant the employment of a teacher for such advanced students, the trustees of two or more adjacent and convenient districts shall meet at the call of the county school superintendent and shall agree among themselves and co-operate with the county superintendent in the establishing of a school at a convenient place in which suitable instruction may be given to such advanced students; provided, that said trustees of such adjacent and convenient districts may co-operate in establishing said school for said advanced students, regardless of the number of students in one or more of the co-operating districts. In pursuance of the provisions of this act the boards of trustees of the districts interested shall agree upon a location, and shall provide for a school house and desirable and necessary supplies; provided, that when a location is agreed upon and a house is provided the names of the proper pupils shall be transferred to that school, together with the State and county apportionment set apart for each pupil so transferred. All pupils so trans-

ferred shall receive free tuition for the same length of time, and after any pupil in said school shall have attended the school the length of time to which he is entitled by virtue of his transfer under this act, should he then continue longer to attend said school his tuition shall be paid from the local school taxes of the district of which the said pupil is a resident, at any rate agreed upon by the trustees of the districts interested by a majority vote, not to exceed \$3 per month, to be paid as other accounts against the treasury of school districts are paid. Such fees shall be placed to the credit of the board of trustees in the district in which the school is located. It shall be lawful for the trustees of the districts that are interested in a given school for advanced students, as provided for in this act to prescribe conditions upon which all students other than transfers may receive the benefits of instruction in said schools; provided, that all requirements as to tuition fees and other conditions of admission of those students that may be non-residents or over school age shall be uniform and impartial.

Sec. 6. Within twenty days after the schools shall open after this act shall take effect, or within twenty days before they shall open, it shall be the duty of the trustees of the schools of each district to report to the county school superintendent the number of advanced pupils, if any, for whom special preparation should be made as herein provided, and the county school superintendent shall immediately call together the trustees of district conveniently located for co-operation in the establishment of joint high schools for giving suitable instruction to those pupils that have been or that may be excluded from the one-teacher schools under the provisions of this act. The county school superintendent shall preside over the meetings of the trustees of said convenient districts when assembled for the purposes herein explained, and he shall cause a record to be kept of the results of the deliberations of the trustees in joint session. The trustees of all the schools interested in a given joint high school, as provided in this act, sitting together, shall elect a teacher or teachers and prescribe all rules and regulations for the government of said schools and perform any and all acts necessary to establish and conduct successfully the said joint high school

in harmony with the school laws of this State.

Sec. 7. All moneys provided in any manner to support said joint high schools shall be paid into the treasury of the district in which the school house is located, in which said joint high school is taught, and shall be paid out upon vouchers signed by the trustees of said school district, approved by the county school superintendent, as other claims against said district are paid; provided, that the trustees of districts interested in a given joint high school may appoint a finance committee to pass on debts incurred on account of said joint high school.

Sec. 8. It shall be lawful for the trustees of the districts interested in a joint high school provided for in this act to assess an annual fee not to exceed \$1.00 against each and every pupil that enters said joint high school. The sum of such fees shall create a fund with which to pay the incidental expenses of said school. The said principal teacher shall give his receipt for every such fee so paid to him and shall pay the same into the treasury to the credit of the school, and he shall keep a record of all fees so paid in by him.

Sec. 9. Hereafter it shall be unlawful for any teacher to give instruction in any subject not prescribed for the examination to receive the grade of certificate held by him; provided, that this shall not apply to teachers of subjects not named among those upon which teachers in the public free schools shall take an examination.

Sec. 10. The fact that there is now no provision for rural high schools and the near approach of the close of the session of the Thirty-first Legislature create an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended and that this bill take effect from and after its passage, and it is so enacted.

SENATE BILL NO. 310—PRINTED IN
THE JOURNAL.

Following is Senate bill No. 310, printed in the Journal by order of the Senate (see committee report):

Senate bill No. 310.

A BILL

To Be Entitled

An Act to amend Chapter 158 of an act of the Thirtieth Legislature, said act

being entitled "An Act to amend Article 651, Chapter 3, Title 21 of the Revised Statutes of the State of Texas, and declaring an emergency," defining the powers of private corporations and amending said act so that said corporations may have as many as twenty-one directors, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 651, Chapter 3, Title 21 of the Revised Civil Statutes of the State of Texas be amended so that hereafter it shall read as follows:

Article 651. Every private corporation as such has power:

1. To have succession by its corporate name for the period limited in its charter, not to exceed fifty years, and when no period is limited, for twenty years.

2. To maintain and defend judicial proceedings.

3. To make and use a common seal.

4. To hold, purchase, sell, mortgage or otherwise convey such real and personal estate as the purposes of the corporation shall require, and also take, hold and convey such other property, real, personal or mixed as shall be requisite for such corporation to acquire in order to obtain or secure the payment of any indebtedness or liability due or belonging to the corporation.

5. To appoint and remove such subordinate officers and agents as the business of the corporation shall require, and to allow them a suitable compensation.

6. To make by-laws not inconsistent with existing laws for the management of its property, the regulation of its affairs and the transfer of its stock.

7. To enter into any obligation or contract essential to the transaction of its authorized business.

8. To increase or diminish by a vote of its stockholders, cast as its by-laws may direct, the number of its directors or trustees to be not less than three nor more than twenty-one; provided, that any corporation formed under Subdivisions 1, 2 and 3, Article 642, Chapter 3, Title 21 of the Revised Statutes of the State of Texas, may increase the number of its directors or trustees to not more than twenty-five.

9. Any private corporation created either by special act of the Legislature or under the provisions of the general law for the support of any benevolent, charitable, educational or missionary undertaking, the support of any literary or scientific undertaking, the maintenance

of a library, or the promotion of painting, music or other fine arts, whose charter may expire or may have expired by limitation, may revive such charter with all the privileges and immunities and rights of property, real and personal, exercised and held by it at the date of the expiration of its said charter, by filing, with the consent of a majority of its stockholders, a new charter under the provisions of the general law of the State of Texas, reciting therein such original privileges and immunities and rights of property, and by filing therewith a certified copy of such original forfeited charter; and any two or more of such corporations may revive and consolidate their charters under a new corporate name or under the name of either, with all privileges, immunities and rights of property, real and personal, enjoyed by each at the date of the expiration of their several charters by in like manner filing a charter which shall recite the fact of consolidation, accompanied by certified copies of said original charters; provided, the provisions hereof shall not be construed to relieve any corporation from the payment of occupation taxes now or hereafter required by law.

Sec. 2. The near approach of the end of the session and the crowded condition of the calendar create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

SENATE BILL NO. 280—PRINTED IN JOURNAL.

Following is Senate bill No. 280, printed by order of the Senate (see committee report providing for):

S. B. No. 280. By Senator Veale.

A BILL

To be entitled

An Act making it an offense for any person, firm, corporation or association of persons engaged in the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, under the provisions of Article 5060j of the Revised Statutes of the State of Texas, to fail or refuse to file with the clerk of the county court of the county in which his business is transacted, between the first and third days of each month, all

prescriptions upon which they have made sales, as provided in said Article 5060j, verified by an affidavit, and to provide a penalty of a fine and imprisonment and forfeiture of license for failure so to do; and to prevent such person, firm, corporation or association of persons from obtaining a new license for a period of two years after the forfeiture of same.

Be it enacted by the Legislature of the State of Texas:

Section 1. That every person, firm, corporation or association of persons engaged in the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, in any county, subdivision of a county, justice precinct, town or city in which local option is in force, and who has taken out license for such business, as provided in Article 5060j of the Revised Statutes of the State of Texas, shall be required to file with the county clerk of the county in which such business is transacted, on or before the third day of each month, all prescriptions upon which such liquors or bitters have been sold by him or them, during the preceding month, and shall at the same time file an affidavit that he or they have sold no intoxicating liquors in said county except as shown by the prescriptions so filed, and that he or they have not sold on either of said prescriptions more than one time. And if such person, firm, corporation or association of persons have sold no spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, upon prescriptions during the month, he or they shall file with the said clerk, on or before the third day of each month, an affidavit to that effect.

Any person, firm or corporation or association of persons failing to comply with the provisions of this act shall, upon conviction, be fined in any sum not less than \$50 nor more than \$500, and shall in addition thereto be confined in the county jail for a period of not less than two nor more than six months, and upon such judgment of conviction being entered the court trying the said case shall also enter a judgment forfeiting the license of such person, firm, corporation or association of persons, so issued to him or them, and no license shall thereafter be issued to such person, firm, corporation or association of persons to sell spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication for a period of

two years after judgment of conviction is made in said cause.

AMENDMENT TO SENATE BILL NO. 280.

Amend by striking out the words "or corporation or association of persons," in lines 5 and 6 of the bill on page 2 thereof, and amend the bill further by adding after the figures "\$500," in line 8, page 2, of the bill, the following: "and if any corporation shall fail to comply with the provisions of this act, such corporation shall forfeit its charter at the suit of the Attorney General of the State of Texas, or if a foreign corporation, its permit to do business in the State of Texas shall be canceled at the suit of the State by its Attorney General of the State of Texas, and in addition to the penalties herein prescribed such corporation shall forfeit to the State of Texas for the violation of this act any sum not less than \$500 nor more than \$1000 for each conviction."

SENATE BILL NO. 241—PRINTED IN JOURNAL.

Following is Senate bill No. 241, printed here in full by order of the Senate (see committee report for order of):

S. B. No. 241. By Senator Alexander.

A BILL

To be entitled

An Act to create a county board of education; to prescribe the time and manner of selecting same; to prescribe its qualifications, authority and duties; to vest in the county board of education all rights and powers now vested in the county commissioners court with respect to school affairs, and to provide for appeals in the administration of county school affairs, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There shall be created in and for each county of the State of Texas having 3000 or more scholastic population a county board of education, which board shall have general supervision and control of all public free schools of the county exclusive of the public free schools in the incorporated cities and towns having charge of their schools.

The county board of education shall be selected in 1909 by the county commissioners court in each county in Texas having the required scholastic population, within sixty days from the date of the taking effect of this act. The county board of education so selected shall organize within twenty days after their election by electing one of their number president and selecting other necessary officers. The members of the county board of education shall hold office until their successors are duly elected and qualified.

The commissioners court of each county that may not contain at the time of the taking effect of this act the required 3000 scholastic population shall select a county board of education according to the provisions of this act on the second Monday in August of any year in which the county shall have been found by the county superintendent's or by the ex-officio county superintendent's report to contain 3000 scholastic population or as soon thereafter as practicable.

When a county board of education shall have been selected according to this section of this act and any other acts amendatory hereto, said county board of education shall meet within twenty days thereafter and shall proceed to qualify and organize. The members first chosen under the provisions of this act shall serve until the next general election, or until their successors are elected and qualified.

Sec. 2. At the general election in 1910 and every two years thereafter there shall be elected by the qualified voters a county board of education in each county in Texas having a scholastic population of 3000 or more. One member of the county board of education shall be elected from each commissioner's precinct and one from the county at large. The term of office of the members of the county board of education shall be two years, or until their successors are elected and qualified. Within twenty days after their election and qualification the members shall meet and shall organize by electing one of their number president. Members of the county board of education shall be elected and shall qualify in the same manner as other county officers are elected and qualified.

Sec. 3. Members of the county board of education shall be qualified voters and freeholders of the precinct or county from which they are elected. They shall be of good moral character, able

to read, write and speak the English language, shall be persons of good education, and shall be in sympathy with public free schools.

Sec. 4. All vacancies in the county board of education shall be filled by election by the members of said board. A majority of all the members shall constitute a quorum. All questions shall be decided by a majority vote of the members present.

Sec. 5. The county board of education shall hold meetings once each quarter on the first Monday in August, in November, in February, and in May, or as soon thereafter as practicable, and at other times when called by the president of the board or by a majority of the board. Each member shall be paid \$3.00 per day for each day spent in attendance upon the meetings of the board, provided that no member shall receive more than \$24 in any one year. The board shall be paid in the same way as the county commissioners are paid and from the same fund.

Sec. 6. Each county board of education shall constitute a body corporate by the name of the county board of education of county, State of Texas, and in that name may acquire and hold real and personal property and sue and be sued, and may receive bequests and donations or other moneys or funds coming legally into its hands, and may perform other acts for the promotion of education in the county.

Sec. 7. The title to any school property belonging to the county, the title of which has heretofore been vested in the county judge and his successors in office, or any school property that may hereafter be acquired, shall vest in the county board of education and its successors in office in trust for public free school purposes. All rights and powers pertaining to the public free schools of the county that have heretofore been vested in the commissioners court and that are not prescribed by this act shall hereafter be vested in the county board of education.

Sec. 8. The county board of education shall designate the county school superintendent as its secretary and executive officer.

Sec. 9. Upon receiving notice from the State Superintendent of the amount of available school funds apportioned to the county, exclusive of incorporated cities and towns having charge of their schools, it shall be the duty of the county board of education to distribute all available State and county school funds

among the schools of the county so as to provide the same length of term as nearly as practicable.

Sec. 10. The county board of education shall prescribe a course of study for the schools of the county conforming to the law and the requirements of the State Department of Education. The board shall locate the schools of the county, shall designate the schools in which primary instruction shall be given, those in which intermediate instruction shall be given, and those in which high school instruction shall be given, and shall assign the pupils of the county to the schools which they should attend. In order to carry out the provisions of this act and to further protect the interests of the primary pupils, the county board of education shall have power to provide, from available school funds, for the transportation of pupils residing at inconvenient distances from the schools to which they are assigned. The board shall adopt and enforce all necessary rules, regulations and by-laws for the management and government of the schools in the county under their control.

Sec. 11. All appeals from the decisions of the county superintendent of public instruction shall lie to the county board of education, and from the said board to the State Superintendent, thence to the State Board of Education.

Sec. 12. The county board of education shall keep in a well-bound book, which shall be furnished by the commissioners court, a true and correct record of all its proceedings, and shall keep such record in the office of the county superintendent subject to the inspection of any citizen who may desire to examine it.

Sec. 13. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 14. There being no existing law for the organization of the schools of the county, and as there exists an imperative public necessity for the organization of the schools of each county as provided for in this act before the beginning of the next school year, creates an emergency and a public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

SENATE BILL NO. 291—PRINTED IN JOURNAL.

Following is Senate bill No. 291, printed in the Journal by order of the Senate:

S. B. No. 291.

By Senator Watson.

A BILL

To Be Entitled

An Act to authorize the incorporation of life, accident and health insurance companies and defining same; and to authorize such companies to transact business in the State of Texas; to authorize other like companies incorporated under the laws of other States, Territories and countries to transact business in this State; to regulate the business of such companies; to define the duties and powers of the Commissioner of Insurance and Banking and give to him authority to issue, suspend and revoke permits to such companies to transact business in this State and to apply for the appointment of a receiver for such companies when they become impaired; defining the method of arriving at the value of personal property of such companies for purpose of State, county and municipal taxation, and exempting such companies from an occupation or gross receipts tax; to fix the suits of personal property of such companies for purpose of taxation; to permit the deposit of securities in the office of the State Treasurer; fixing venue of suits and providing the method and manner of service of process; providing penalties for violation of the provisions of this act; repealing all laws in conflict herewith and declaring an emergency.

Be it enacted by the Legislature of the State of Texas: .

Section 1. A life insurance company shall be deemed to be a corporation doing business under any charter involving the payment of money or other things of value, conditioned on the continuance or cessation of human life, or involving an insurance, guaranty, contract or pledge for the payment of endowments or annuities. An accident insurance company shall be deemed to be a corporation doing business under any charter involving the payment of money or other thing of value, conditioned upon the injury, disablement or death of persons resulting from traveling or general accidents by land or water. A health insurance company shall be deemed to be

a corporation doing business under any charter involving the payment of any amount of money or other thing of value, conditioned upon loss by reason of disability due to sickness or ill health. When consistent with the context and not obviously used in a different sense, the term "company" or "insurance company," as used herein, includes all corporations engaged as principals in the business of life, accident or health insurance. The term "home" or "domestic" company, as used herein, designates those life, accident or life and accident, health and accident or life, health and accident insurance companies incorporated and formed in this State. The term "foreign company" means any life, accident or health insurance company organized under the laws of any other State or Territory of the United States or foreign country. The term "home office" of a company means its principal office within the State or country in which it is incorporated and formed. The "insured" or "policy holder" is the person on whose life a policy of insurance is effected. The "beneficiary" is the person to whom a policy of insurance effected is payable. By the term "net assets" is meant the funds of the company available for the payment of its obligations in this State, including uncollected premiums not more than three months past due and deferred premiums on policies actually in force, after deducting from such funds all unpaid losses and claims and claims for losses and all other debts, exclusive of capital stock. The "profits" of a company are that portion of its funds not required for the payment of losses and expenses, nor set apart for any other purpose required by law.

Sec. 2. Any three or more citizens of this State; who shall be known as corporators, may associate themselves for the purpose of forming a life insurance company or accident insurance company or life and accident, health and accident, or life, health and accident insurance company; provided, that no such company shall transact more than one of the foregoing classes of business, except in separate and distinct departments. In order to form such a company the corporators shall sign and acknowledge its articles of incorporation before any officer authorized to take acknowledgments to deeds and file the same in the office of the Commissioner of Insurance and Banking. Such articles of incorporation shall specify:

(a) The name and place of residence of each of the corporators.

(b) The name of the proposed company, which shall contain the words "insurance company" as a part thereof, and which must not so closely resemble the name of any existing company transacting insurance business in this State as to mislead the public.

(c) The location of its home office.

(d) The kind or kinds of insurance business it proposes to transact.

(e) The amount of its capital stock, not less than \$100,000, all of which capital stock must be subscribed and fully paid up and in the hands of the corporators before said articles of incorporation are filed, such capital stock to be divided into shares of \$100 each.

(f) The period of time it is to exist, which shall not exceed five hundred years.

(g) The number of shares of such capital stock.

(h) Such other provisions not inconsistent with the law as the corporators may deem proper to insert therein.

Sec. 3. When such articles of incorporation are filed with the Commissioner of Insurance and Banking, together with an affidavit made by two or more of its incorporators that all the stock has been subscribed in good faith and fully paid for, together with a charter fee of \$20, it shall be the duty of the Commissioner to submit such articles of incorporation to the Attorney General for examination, and if he approves the same as conforming with the law he shall so certify and deliver such articles of incorporation, together with his certificate of approval attached thereto, to the Commissioner of Insurance and Banking, who shall, upon receipt thereof, record the same in a book kept for that purpose, and upon receipt of a fee of \$1.00, he shall furnish a certified copy of the same to the corporators, upon which they shall be a body politic and corporate, and may proceed to complete the organization of the company, for which purpose they shall forthwith call a meeting of the stockholders who shall adopt by-laws for the government of the company and elect a board of directors, not less than five, composed of stockholders, which board shall have full control and management of the affairs of the corporation, subject to the by-laws thereof as adopted or amended from time to time by the stockholders or directors, and to the laws of this State. The board of directors so elected shall serve until the second Tuesday in March thereafter, on which date and annually thereafter, there shall be held an annual meeting of the stockholders at the home

office, and a board of directors elected for the ensuing year. At all meetings of the stockholders, each stockholder shall be entitled to one vote for each share of stock fully paid up appearing in his name on the books of the company, which vote may be given in person or by written proxy. The majority of the paid up capital stock at any meeting of the stockholders shall constitute a quorum. At any regular meeting or called meeting of the stockholders they may, by resolution, provide for any lawful amendment to the charter or articles of incorporation, and such amendment, accompanied by a copy of such resolution duly certified by the president and secretary of the company, shall be filed and recorded in the same manner as the original charter, and shall thereupon become effective. Stockholders representing a majority of the capital stock of any such company may in such manner also increase or reduce the amount of its capital stock; provided, that the capital stock shall in no case be reduced to less than \$100,000 fully paid up. A statement of any such increase or reduction shall be signed and acknowledged by two officers of the company and filed and recorded along with the certified copy of the resolution of stockholders provided therefor in the same manner as the charter or amendment thereto. For any such increase or reduction the company may require the return of the original certificates or other evidences of stocks in exchange for new certificates issued in lieu thereof. The shares of stock of such company shall be transferable on its books in accordance with law and the by-laws of the company by the owner in person or his authorized agent, and every person becoming a stockholder by such transfer shall succeed to all rights of the former holder of the stock transferred, by reason of such ownership.

Sec. 4. When the first meeting of the stockholders shall be held and the officers of the company elected, it shall be the duty of the president or secretary so notify the Commissioner of Insurance and Banking, and he shall thereupon immediately make or cause to be made at the expense of the company a full and thorough examination thereof, and if he shall find that all of the capital stock of the company, amounting to not less than \$100,000, has been fully paid up and is in the custody of the officers, either in cash or securities of the class in which such companies are authorized by this act to invest or loan their funds, he shall issue to such company a certi-

ficate of authority to transact such kind or kinds of insurance business within this State as such officers may apply for, and as may be authorized by its charter, which certificate shall expire on the last day of February next after the date of its issuance. Before such certificate is issued not less than two officers of such company shall execute and file with the Commissioner of Insurance and Banking a sworn schedule of all the assets of the company exhibited to him upon such examination, showing the value thereof, together with a sworn statement that the same are bona fide, the unconditional and unincumbered property of the company and are worth the amounts stated in such schedule. No original or first certificate of authority shall be granted except in conformity herewith, regardless of the date of filing of the articles of incorporation with the Commissioner of Insurance and Banking.

Sec. 5. Each life insurance company, or accident insurance company, or life and accident, health and accident, or life, health and accident insurance company, organized under the laws of this State shall, after the first day of January of each year and before the first day of March following, and before the renewal of its certificate of authority to transact business, prepare, under oath of two of its officers, and deposit in the office of the Commissioner of Insurance and Banking a statement, accompanied with the fee for filing annual statements, of \$10, showing the condition of the company on the 31st day of December the next preceding, which shall include a statement in detail showing the character of its assets and liabilities on that date, the amount and character of business transacted, moneys received and how expended during the year, and the number and amount of its policies in force on that date in Texas, and the total amount of all policies in force; and the Commissioner of Insurance and Banking may from time to time make such changes in the forms and requirements of the annual statements of companies as shall seem to him best adapted to elicit from the companies a true exhibit of their condition and method of conducting business, and such statement shall also contain and set forth an exhibit of the investment of such company; provided, that such terms and requirements shall elicit only such information as shall pertain to the business of the company.

Sec. 6. Whenever any life insurance company, or accident insurance company, or life and accident, or health and acci-

dent, or life, health and accident insurance company, transacting insurance business in this State, shall have filed its annual statement in accordance with the preceding section, showing a condition which entitles it to transact business in this State in accordance with the provisions of this act, the Commissioner of Insurance and Banking shall, upon receipt of a fee of \$1.00, issue a renewal certificate of authority to such company, which shall expire on the last day of February of the subsequent year.

Sec. 7. Any such company organized under the laws of this State, having received authority from the Commissioner of Insurance and Banking to transact business in this State, shall receive from such Commissioner upon written request therefor a certified copy of its certificate of authority for each of its agents in this State.

Sec. 8. Actions may be maintained by a company organized under the laws of this State against any of its policy holders, stockholders or other persons for any cause relating to the business of such company, and actions may also be prosecuted and maintained by any policy holder or the heirs or legal representatives of any such policy holder against the company for losses which accrue on any policy, but no action shall be brought or maintained by any person other than the Commissioner of Banking and Insurance of this State for the enjoining, restraining or interfering with the prosecution of the business of the company.

Sec. 9. The laws relating to and governing corporations in general shall apply to and govern companies organized under this act, in so far as the same are pertinent and not in conflict with the provisions of this act.

Sec. 10. A life insurance company organized under the laws of this State, may, after this act takes effect, invest in or loan upon the following securities, viz:

(a) It may invest any of its funds or accumulations in the bonds of the United States or of any State, county or city of the United States, or of any dividend-paying railroad or street railway company duly incorporated under the laws of the United States or any State thereof.

(b) It may loan any of its funds and accumulations, taking as security therefor such collateral as under the previous subdivision it may invest in; and upon first liens upon real estate, the title to which is valid and the value of which

is double the amount loaned thereon; provided, that if any part of such value is in buildings, such buildings shall be insured against loss by fire for at least fifty per cent of the value thereof, with loss clause payable to such company. It may also make loans upon the security of or purchase of its own policies, but no loan on any policy shall exceed the reserve value thereof. No investment or loans, except policy loans, shall be made by any such insurance company unless the same shall first have been authorized by the board of directors, or by a committee charged with the duty of supervising such investments or loans. No such company shall subscribe to or participate in any underwriting of the purchase or sale of securities or property or enter into any such transaction for such purpose, or sell on account of such company jointly with any other person, firm or corporation, nor shall any such company enter into any agreement to withhold from sale any of its property, but the disposition of its property shall be at all times within the control of its board of directors. Every such company possessed of assets not authorized by this act shall dispose of the same within five years after the taking effect of this act, unless such time is extended for good cause by the Commissioner of Insurance and Banking.

Sec. 11. Every such insurance company may secure, hold and convey real property only for the following purposes and in the following manner:

1. One building site and office building for its accommodation in the transaction of its business and for lease and rental.

2. Such as shall have been acquired in good faith by way of security for loans previously contracted, or for moneys due.

3. Such as shall have been conveyed to it in the satisfaction of debts previously contracted in the course of its dealings.

4. Such as shall have been purchased at sales under judgment or decrees of court or mortgage or other liens held by such companies.

All such real property specified in Subdivisions 2, 3 and 4 of this section, which shall not be necessary for its accommodation in the convenient transaction of its business, shall be sold and disposed of within five years after the company shall have acquired title to the same, or within five years after the same shall have ceased to be necessary for the accommodation of its business,

and it shall not hold such property for a longer period unless it shall procure a certificate from the Commissioner of Insurance that its interests will suffer materially by the forced sale thereof, in which event the time for the sale may be extended to such time as the Commissioner shall direct in such certificate.

Sec. 12. No director or officer of any insurance company transacting business in this State, or organized under the laws of this State, shall receive any money or valuable thing for negotiating, procuring, recommending or aiding in any purchase or sale by such company of any property or any loan from such company, nor be pecuniarily interested in either as principal, co-principal, agent or beneficiary in any such purchase, sale or loan; provided, that nothing contained in this section shall prevent a life insurance corporation from making a loan upon a policy held therein by the borrower not in excess of the reserve value thereof. Any person violating any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than \$300 nor more than \$1000.

Sec. 13. Any life insurance company organized under the laws of this State may reinsure in any insurance company authorized to transact business in this State any risk or part of a risk which it may assume; provided, that no such company shall have the power to so reinsure its entire outstanding business until the contract therefor shall be submitted to the Commissioner of Insurance and Banking and be by him approved as protecting fully the interests of all the policy holders.

Sec. 14. No life insurance company organized under the laws of this State shall declare or pay any dividends to its policy holders except from the profits made by such company; provided, that this shall not prohibit the issuance of policies guaranteeing a definite payment or reduction in premiums, not exceeding the expense loading on said premiums, but where said reduction exceeds said expense loading the proper reserve therefor must be held by the company to provide for the deficiency so arising in the net premium; and provided further, that this shall not apply to payments to holders of special or board contracts heretofore issued. No such life insurance company shall declare or pay any dividends to its stockholders except from the profits made by said company, not including surplus arising from the sale of stock.

Sec. 15. It shall be the duty of the Commissioner of Insurance and Banking, as soon as practicable in each year, to compute the reserve liability on the 31st day of December of the preceding year of every company organized under the laws of this State or authorized to transact business in this State, which has outstanding policies of insurance on the lives of citizens of this State, in accordance with the following rules:

1. The net value on the first day of December of the preceding year of all outstanding policies of life insurance in the company issued prior to the first day of January, 1910, shall be computed according to the terms of said policies on the basis of the American Experience Table of Mortality and four and one-half per cent interest per annum.

2. The net value on the last day of December of the preceding year of all policies of life insurance issued after the thirty-first day of December, 1909, upon the basis of the Actuary's or Combined Experience Table of Mortality, with four per cent interest per annum; provided, that the policies of any such life insurance company thereafter issued upon the reserve basis of an interest rate lower than four per cent shall be computed upon the basis of the American Experience Table of Mortality with interest at such lower rate per annum; provided, that any company which on January 1, 1909, was writing policies on the basis of four and a half per cent may continue on that basis until January 1, 1912, and its policies shall be so valued.

3. In every case in which the actual premium charged for an insurance is less than the net premium for such insurance, computed according to its respective tables of mortality and rate of interest aforesaid, the company shall also be charged with the value of annuity, the amount of which shall equal the difference between the premium charged and that required by the rules above stated, and the term of which in years shall equal the number of future annual payments due on the insurance at the date of the valuation.

Sec. 16. No level premium policy of life insurance shall be issued or sold by any company in this State after December 31, 1909, which provides for more than one year preliminary term insurance.

Sec. 17. Every policy of insurance issued or delivered within this State on or after the first day of January, 1910, by any life insurance company doing busi-

ness within this State, shall contain the entire contract between the parties, and the application therefor may be made a part thereof.

Sec. 18. Any person who shall solicit an application for insurance upon the life of another shall, in any controversy between the assured and his beneficiary and the company issuing any policy upon such application, be regarded as the agent of the company, and not the agent of the insured, but such agent shall not have the power to waive, change or alter any of the terms or conditions of the application or policy.

Sec. 19. No insurance company doing business in this State shall make or permit any distinction or discrimination in favor of individuals between insureds (the insured) of the same class and of equal expectation of life in the amount of or payment of premiums or rates charged for policies of life or endowment insurance, or in the dividends or other benefits payable thereon; nor shall any such company or agent thereof make any contract of insurance or agreement as to such contract other than as expressed in the policy issued thereon, nor shall any such company or any officer, agent, solicitor or representative thereof pay, allow or give, or offer to pay, allow or give, directly or indirectly, as an inducement to insurance, any rebate of premium payable on the policy, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any paid employment or contract for services of any kind, or any valuable consideration or inducement whatever not specified in the policy contract of insurance; or give, sell or purchase, or offer to give, sell or purchase, as an inducement to insurance or in connection therewith, any stocks, bonds or other securities of any insurance company or other corporation, association or partnership, or any dividends or profits to accrue thereon, or anything of value whatsoever not specified in the policy, or issue any policy containing any special or board contract or similar provision by the terms of which said policy will share or participate in any special fund derived from a tax or a charge against any portion of the premium on any other policy. Any company or agent violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and the said company shall as an addi-

tional penalty forfeit its certificate of authority to do business in this State, and the said agent shall as an additional penalty forfeit his license to do business in this State for one year; provided, the company shall not be held liable under this section for any act of its agent unless such act was authorized by its president, one of its vice-presidents, its secretary or an assistant secretary, or by its board of directors.

Sec. 20. No domestic life insurance company shall pay any salary, compensation or emolument to any officer, trustee or director thereof, nor any salary, compensation or emolument amounting in any year to more than \$5000 to any person, firm or corporation, unless such payment be first authorized by a vote of the board of directors of such life insurance company; provided, that the limitation as to time contained herein shall not be construed as preventing a life insurance company from entering into contracts with its agents for the payment of renewal commission. No such company shall grant any pension to any officer, director or trustee thereof or to any member of his family after his death.

Sec. 21. No domestic life insurance company shall make any disbursements of one hundred dollars or more unless the same be evidenced by a voucher signed by or on behalf of the person, firm or corporation receiving the money, and correctly describing the consideration for the payment. If the expenditure be for both services and disbursements, the voucher shall set forth the services rendered and statement of the disbursement made. If the expenditure be in connection with any matter pending before any legislative or public body, or before any department or officer of any State or government, the voucher shall correctly describe in addition the nature of the matter and of the interest of such company therein. When such voucher can not be obtained the expenditures shall be evidenced by a paid check or an affidavit describing the character and object of the expenditure, and stating the reason for not obtaining such voucher.

Sec. 22. No policy of life insurance shall be issued or delivered after December 31, 1909, in this State or be issued by a life insurance company organized under the laws of this State after that date unless the same shall contain provisions substantially as follows:

1. A provision that all premiums shall be payable in advance either at the home office of the company or to an

agent of the company upon delivery of a receipt signed by one or more of the officers who are designated in the policy.

2. A provision for a grace of at least one month for the payment of every premium after the first, which may be subject to an interest charge, during which month the insurance shall continue in force, which provision may contain a stipulation that if the insured shall die during the period of grace the overdue premium will be deducted in any settlement under the policy.

3. A provision that the policy or policy and application shall constitute the entire contract between the parties and shall be incontestable not later than two years from its date, except for non-payment of premiums, and which provision may or may not at the option of the company contain an exception for violations of the conditions of the policy relating to naval and military services in time of war.

4. A provision that all statements made by the insured shall, in the absence of fraud, be deemed representations and not warranties.

5. A provision that if the age of the insured has been understated the amount payable under the policy shall be such as the premium paid would have purchased at the correct age.

6. A provision that after three full years premiums have been paid the company at any time while the policy is in force will advance upon proper assignment of the policy and upon the sole security thereof at a specified rate of interest a sum equal to, or at the option of the owner of the policy, less than the legal reserve at the end of the current policy year on the policy and on any dividend additions thereto, less than a sum not more than two and one-half per centum of the amount insured by the policy and of any dividend additions thereto; and that the company may deduct from such loan value any existing indebtedness on the policy and any unpaid balance of the premium for the current policy year and may collect interest in advance on the loan to the end of the current policy year; which provision may further provide that such loans may be deferred for not exceeding six months after application therefor is made. It shall further be stipulated in the policy that failure to repay any such advance or to pay interest shall not avoid the policy until the total indebtedness thereon to the company shall equal or exceed the loan value. No condition

other than as herein provided shall be exacted as a prerequisite to any such advance.

This provision shall not be required in term insurances nor in pure endowments issued or granted as original policies, or in exchange for lapsed or surrendered policies, and no provision herein required shall compel any company to loan on any policy an amount greater than ninety-seven and one-half per centum of the face value thereof, including net dividend additions thereto.

7. A provision which, in event of default in premium payments, after premiums shall have been paid for three full years, shall secure to the owner of the policy a stipulated form of insurance, the net value of which shall be at least equal to the reserve at the date of default on the policy and on any dividend additions thereto, specifying the mortality table and rate of interest adopted for computing such reserves, less a sum not more than two and one-half per cent of the amount insured by the policy and of any existing dividend, additions thereto, and less any existing indebtedness to the company on the policy. Such provision shall stipulate that the policy may be surrendered to the company at its home office within one month from date of default for a specified cash value, at least equal to the sum which would otherwise be available for the purchase of insurance, as aforesaid, and may stipulate that the company may defer payment for not more than six months after the application therefor is made. This provision shall not be required in term insurances.

8. A table showing in figures the loan values, and the options available under the policies each year upon default in premium payments during the first twenty years of the policy or the period during which premiums are payable, beginning with the year in which such values and options become available.

9. A provision that if, in event of default in premium payments, the value of the policy shall be applied to the purchase of other insurances, and if such insurance shall be in force and the original policy shall not have been surrendered to the company and canceled, the policy may be reinstated within three years from such default, upon evidence of insurability satisfactory to the company and payment of arrears of premiums with interest.

10. A provision that when a policy shall become a claim by the death of the

insured, settlement shall be made upon receipt of due proof of death and the right of the claimant to the proceeds, or not later than two months after receipt of such proof.

11. A table showing the amounts of installments in which the policy may provide its proceeds may be payable.

Any of the foregoing provisions or portions thereof not applicable to single premium policies, shall, to that extent, not be incorporated therein.

Sec. 23. No policy of life insurance shall, after December 31, 1909, be issued or delivered in this State, or be issued by a life insurance company incorporated under the laws of this State if it contains any of the following provisions:

1. A provision limiting the time within which any action at law or in equity may be commenced to less than two years after the cause of action shall accrue.

2. A provision by which the policy shall purport to be issued or to take effect more than six months before the original application for the insurance was made, if thereby the insured would rate at any age younger than his age at date when the application was made, according to his age at nearest birthday.

3. A provision for any mode of settlement at maturity of less value than the amount insured on the face of the policy, plus dividend additions, if any, less any indebtedness to the company on the policy, and less any premium that may by the terms of the policy be deducted; provided, that any company may issue a policy promising a benefit less than the full benefit in case of the death of the insured by his own hand, while sane or insane, or by following stated hazardous occupations. This provision shall not apply to purely accident and health policies; none of the foregoing provisions relating to policy forms shall apply to policies issued in lieu of or in exchange for any other policy issued before this act shall take effect.

Sec. 24. The policies of a life insurance company not organized under the laws of this State may contain any provision which the law of the State, Territory, district or country under which the company is organized, prescribes shall be in such policies when issued in this State, and the policies of a life insurance company organized under the laws of this State may, when issued or delivered in any other State, Territory, district or country contain any provision required by the laws of the State, Terri-

tory, district or country in which the same are issued, anything in this act to the contrary notwithstanding.

Sec. 25. Insurance companies incorporated under the laws of this State shall hereafter be required to render for State, county and municipal taxation all of their real estate as other real estate is rendered, and all of the personal property of such insurance companies shall be valued as other property is valued for assessment in this State in the following manner:

From the total valuation of its assets shall be deducted the reserve, being the amount of debts of insurance companies by reason of their outstanding policies in gross and from the remainder shall be deducted the assessed value of all real estate owned by the company and the remainder shall be the assessed taxable value of its personal property. Home insurance companies shall not be required to pay any occupation or gross receipts tax.

Sec. 26. Any life insurance company, or accident insurance company, or life and accident, health and accident, or life, health and accident insurance company, incorporated under the laws of any other State, Territory or country, desiring to transact the business of such insurance in this State shall furnish said Commissioner of Insurance and Banking with a written or printed statement under oath of the president or vice-president and secretary or treasurer of such company, which statement shall show:

(a) The name and locality of the company.

(b) The amount of its capital stock.

(c) The amount of its capital stock paid up.

(d) The assets of the company, including, first, the amount of cash on hand and in the hands of other persons, naming such persons and their residence; second, real estate unincumbered, where situated and its value; third, the bonds owned by the company and how they are secured, with the rate of interest thereon; fourth, debts due the company secured by mortgage, describing the property mortgaged and its market value; fifth, debts otherwise secured, stating how secured; sixth, debts for premiums; seventh, all other moneys and securities.

(e) Amount of liabilities to the company, stating the name of the person or corporation to whom liable.

(f) Losses adjusted and due.

(g) Losses adjusted and not due.

(h) Losses adjusted.

(i) Losses in suspense and for what cause.

(j) All other claims against the company, describing the same; provided, that the Commissioner of Insurance and Banking may require any additional facts to be shown by such annual statement. Each such company shall be required to file a similar statement not later than March 1st of each year.

Sec. 27. Such foreign life insurance company, or accident insurance company, or life and accident, health and accident, or life, health and accident insurance company shall accompany such statement with a certified copy of its acts of articles of incorporation, and all amendments thereto, and a copy of its by-laws, together with the name and residence of each of its officers and directors, and all of which shall be certified under the hand of the president or secretary of such company.

Sec. 28. No such foreign life insurance company, accident insurance company, or life and accident, health and accident, or life, health and accident insurance company, shall transact any business of insurance in this State unless such company is possessed of at least \$100,000 of actual capital invested in such securities as provided under the laws of the State, Territory or country of its creation; and no mutual life insurance company or accident insurance company, or life and accident, health and accident, or life, health and accident insurance company operating on the old line or legal reserve basis, shall transact any business of insurance in this State unless such company is possessed of at least \$100,000 of net surplus assets invested in securities provided for under the laws of the State, Territory or country of its creation.

Sec. 29. Whenever the existing or future laws of any other State or Territory of the United States, or of any other country, shall require of life insurance companies, accident insurance companies, or life and accident, health and accident, or life, health and accident insurance companies, incorporated by this State, any deposit of securities in such other State, Territory or country before transacting insurance business therein, then, and in every such case, all insurance companies of such State shall, before doing any insurance business in this State, be required to make the same deposit of securities with the Treasurer of this State.

Sec. 30. No foreign life insurance company or accident insurance company, or life and accident, health and accident, or life, health and accident insurance company incorporated by or organized under the laws of any foreign government shall transact business in this State unless it shall first deposit and keep deposited with the Treasurer of this State, for the benefit of the policy holders of such company, citizens or residents of the United States, bonds or securities of the United States or the State of Texas to the amount of \$100,000.

Sec. 31. The deposit required by the preceding section shall be held liable to pay the judgments of policy holders in such company and may be so decreed by the court adjudicating the same.

Sec. 32. If the deposit required by Section 30 has been made in any State of the United States, under the laws of such State in such manner as to secure equally all the policy holders of such company who are citizens and residents of the United States, then no deposits shall be required in this State, but a certificate of such deposit under the hand and seal of the officer of such other State with whom the same has been made shall be filed with the Commissioner of Insurance and Banking.

Sec. 33. Suits on policies may be instituted and prosecuted against any life insurance company or accident insurance company, or life and accident, or health and accident, or life, health and accident insurance company, in the county where the home office of such company is located or in the county where loss has occurred, or where the policy holder or beneficiary instituting such suit resides.

Sec. 34. Process in any civil suit against any domestic life insurance company, or accident insurance company, or life and accident, health and accident, or life, health and accident insurance company may be served only on the president, or any active vice-president or secretary or general counsel residing at the city of the home office of the company, or by leaving a copy of same at the home office of such company during business hours.

Sec. 35. In all cases where a loss occurs and the life insurance company or accident insurance company, or life and accident, health and accident, or life, health and accident insurance company liable therefor shall fail to pay the same within thirty days after demand therefor, such company shall be liable to pay the holder of such policy in addition to

the amount of the loss, twelve per cent damages on the amount of such loss, together with reasonable attorney fees for the prosecution and collection of such loss.

Sec. 36. Should any life insurance company, accident insurance company, life and accident, health and accident, or life, health and accident insurance company fail to pay off and satisfy any execution that may lawfully issue on any final judgment against said company within thirty days after the officer holding such execution has demanded payment thereof from any officer or attorney of record of such company, in this State or out of it, such officer shall immediately certify such demand and failure to the Commissioner of Insurance and Banking, and thereupon, the Commissioner shall forthwith declare null and void the certificate of authority of such company and such company shall be prohibited from transacting any business in this State until such execution shall be fully satisfied and discharged, and until such Commissioner shall renew his certificate of authority to such company.

Sec. 37. It shall be unlawful for any life insurance company, accident insurance company, life and accident, health and accident, and life, health and accident insurance company to take any kind of risks or issue any policies of insurance except those of life, accident or health; nor shall the business of life, accident or health insurance in this State be in anywise conducted or transacted by any company which in this or any other State or country is engaged or concerned in the business of marine, fire or inland insurance.

Sec. 38. Any life insurance company, accident insurance company, life and accident, health and accident, or life, health and accident insurance company, organized under the laws of this State, may at its option deposit with the Treasurer of this State securities equal to amount of its capital stock, and may at its option withdraw the same or any part thereof, first having deposited in the treasury in lieu thereof other securities equal in value to those withdrawn. Any such securities before being so originally deposited or substituted shall be approved by the Commissioner of Insurance and Banking, and when any such deposit is made the Treasurer shall execute to the company making the deposit a receipt therefor, giving such description to such securities as will identify the same,

and such company shall have the right to advertise such fact or print a copy of the Treasurer's receipt on the policies it may issue, and the proper officers or agents of each insurance company making such deposit shall be permitted at all reasonable times to examine such securities and to detach coupons therefrom and to collect interest thereon under such reasonable rules and regulations as may be prescribed by the Treasurer and the Commissioner of Insurance and Banking of this State. The deposit herein provided for, when made by any company, shall thereafter be maintained as long as said company shall have outstanding any liability to its policy holders. For the purpose of State, county and municipal taxation the situs of all personal property belonging to such companies shall be at the home office of such company.

Sec. 39. Any director, member of a committee or officer or any clerk of a home company who is charged with the duty of handling or investing its funds shall not deposit or invest such funds except in the corporate name of such company; shall not borrow the funds of such company; shall not be interested in any way in any loan, pledge, security or property of such company except as stockholder; shall not take or receive to his own use any fee, brokerage, commission, gift or other consideration for or on account of a loan made by or on behalf of such company.

Sec. 40. Should the Commissioner of Insurance and Banking be satisfied that any company applying for a certificate of authority has in all respects fully complied with the law and that if a stock company its capital stock has been fully paid up, that it has the required amount of capital or surplus to policy holders it shall be his duty to issue to such company a certificate of authority under the seal of his office, authorizing such company to transact insurance business, naming therein the particular kind of insurance, for the period of not less than three months nor extending beyond the last day of February next following the date of such certificate. And if any such insurance company organized under the laws of any State or country after having obtained a certificate of authority from the Commissioner of Insurance and Banking, or other officer authorized to issue such permit to do business in this State, shall bring in any Federal court any suit or action against any citizen of this State or shall remove any suit or

action heretofore or hereafter commenced in any court of this State, to which it is a party, to any Federal court, the Commissioner of Insurance and Banking shall forthwith revoke and recall the certificate of authority of such insurance company to do and transact business in this State and no renewal of authority shall be granted to such insurance company to do business in this State for a period of three years after such revocation, and such insurance company shall thereafter be prohibited from transacting any business in this State until again duly authorized by law.

Sec. 41. The Commissioner of Insurance and Banking shall, at the end of each two years, or oftener if he deems necessary, in person or by one or more examiners commissioned in writing, visit each company organized under the laws of this State and examine its financial condition and its ability to meet its liabilities. He shall have free access to all the books and papers of the company or agents thereof relating to the business and affairs of such company and shall have power to summon and examine under oath the officers, agents and employes of such company and any other person within the State relative to the affairs of such insurance company. He may revoke or modify any certificate of authority issued by him when any conditions or requirements prescribed by law for granting it no longer exist; provided, that he shall give such company at least ten days' notice in writing of his intention to revoke or modify such certificate of authority issued by him, stating specifically the reasons why he intends to revoke or modify such certificate. The expense of every such examination shall be paid by the company so examined, but the Commissioner shall not make any charge for services except for traveling or other actual expenses and shall furnish the company with an itemized statement of such expenses.

Sec. 42. No corporation or stock company shall be licensed or granted a certificate of authority as the agent or representative of any life insurance company in soliciting, selling or in any manner placing life insurance policies or contracts in this State. No life insurance company shall hereafter be granted a certificate of authority to transact business in this State which has or is bound by any valid subsisting contract with any other corporation, by virtue of which such other corporation is entitled to receive directly or indirectly in per-

centage or portion of the premium or other income of such life insurance company for any period. No person shall hereafter be granted a certificate of authority as the agent of any life insurance company who, after this act takes effect, enters into any contract with any corporation other than such life insurance company, by virtue of which such other corporation is entitled to receive, directly or indirectly, any compensation earned by him as agent for such life insurance company, or any percentage or portion thereof for any period.

Sec. 43. Any such insurance company transacting business within this State whose capital stock shall become impaired to the extent of thirty-three and one-third per cent thereof, computing its liabilities according to the terms of this act, shall make good such impairment within sixty days, by reduction of its capital stock (provided, such capital stock shall in no case be less than \$100,000), or otherwise, and failure to make good such impairment within said time shall forfeit its right to write new business in this State until said impairment shall have been made good. And, provided, that the Commissioner of Insurance and Banking may apply to any court of competent jurisdiction for the appointment of a receiver to wind up the affairs of such company when its capital stock shall become impaired to the extent of fifty per cent thereof, computing its policy liabilities according to the American Experience Table of Mortality and four and one-half per cent interest; and, provided, further, that no company shall write new business in Texas when its net surplus to policy holders is less than \$100,000.

Sec. 44. Life insurance companies shall within five days after the issuance of and the placing upon the market any form of policies of life insurance file a copy of such form of policy with the Department of Insurance and Banking.

Sec. 45. No insurance company transacting business in this State shall hereafter be permitted to issue or sell any policy of industrial life insurance, or any policy of accident or health insurance, until the form thereof has been submitted to the Commissioner of Insurance and Banking. If the Commissioner of Insurance and Banking shall approve the form of such policy as complying with the requirements of the laws of this State, the same may thereafter be issued and sold. If he shall disapprove the same any such company may institute a proceeding in any court of com-

petent jurisdiction to review his action thereon.

Sec. 46. No foreign or domestic insurance company shall transact any business in this State other than the lending of money, unless it shall first procure from the Commissioner of Insurance and Banking a certificate of authority stating that the requirements of the laws of this State have been fully complied with by it, and authorizing it to do business in this State. Such certificate of authority shall expire on the last day of February in each year, and shall be renewed annually so long as the company shall continue to comply with the laws of the State, such renewals to be granted upon the same terms and considerations as the original certificate.

Sec. 47. Every such foreign company shall, by resolution of its board of directors, designate some officer or agent who is empowered to appoint or employ its agents or solicitors in this State, and such officer or agent shall promptly notify the Commissioner in writing of the name, title and address of each person so appointed or employed. Upon receipt of this notice, if such person is of good reputation and character, the Commissioner shall issue to him a certificate which shall include a copy of the certificate of authority authorizing the company requesting it to do business in this State and the name and title of the person to whom the certificate is issued. Such certificate, unless sooner revoked by the Commissioner for cause or canceled at the request of the company employing the holder thereof, shall continue in force until the first day of March next after its issuance, and must be renewed annually.

Sec. 48. Cause for the revocation of the certificate of authority of an agent or solicitor for an insurance company may exist for violation of any of the insurance laws, or of it shall appear to the Commissioner upon due proof after notice that such agent or solicitor has knowingly deceived or defrauded a policy holder or a person having been solicited for insurance or that such agent or solicitor has unreasonably failed and neglected to pay over to the company or its agent entitled thereto any premium or part thereof, collected by him on any policy of insurance or application therefor. The Commissioner shall publish such revocation in such manner as he deems proper for the protection of the public and no person whose certificate of authority as agent or solicitor has been revoked shall be entitled to again receive a certificate of authority as such agent

or solicitor for any insurance company in this State for a period of one year.

Sec. 49. Any person who for direct or indirect compensation solicits insurance in behalf of any company, or transmits for a person other than himself an application for a policy of insurance to or from such company, or assumes to act in negotiation of insurance without a certificate of authority to act as agent or solicitor for such company, or after such certificate of authority shall have been canceled or revoked, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$100.

Sec. 50. Any such agent or solicitor who knowingly procures by fraudulent representations payment of an obligation for the payment of a premium of insurance shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of less than \$100 nor more \$1000.

Sec. 51. Any insurance agent or solicitor who collects premiums for an insurance company lawfully doing business in this State, and who embezzles or fraudulently converts or appropriates to his own use, or with intent to embezzle, takes, secrets or otherwise disposes of or fraudulently withholds, appropriates, lends, invests or otherwise uses or applies any money or substitute for money received by him as such agent or broker, contrary to the instructions or without the consent of the company for or on account of which the same was received by him, shall be deemed guilty of theft of property of the value of the amount involved in either case and shall be punished accordingly.

Sec. 52. Any solicitor, agent or examining physician who shall knowingly or willfully make any false or fraudulent statement or representation in, or with reference to any application for insurance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$100 nor more than \$500.

Sec. 53. On the 31st day of December of each and every year, or as soon thereafter as may be practicable, the Commissioner of Insurance and Banking shall have calculated in his office the re-insurance reserve for all unexpired risks of all insurance companies organized under the laws of this State, or transacting business in this State, transacting any kind of insurance other than life, fire, marine, inland, lightning or tornado insurance, by taking fifty per cent of the gross premiums on all unexpired risks that have less than one

year to run and a pro rata of all premiums received on risks that have more than one year to run.

Sec. 54. Every insurance company which has for ten years or more undertaken to insure persons, firms or corporations against loss or damage on account of the bodily injury or death by accident of any person for which loss or damage said persons, firms or corporations are respectively responsible, shall, on or before the first day of October in each year render to the Insurance Commissioner a statement in writing of its business transacted in the United States, which shall show separately for each of the five calendar years constituting the first half of the period of ten years next preceding the 31st day of December of the year in which the statement is made:

1. The number of persons reported injured under all its forms of liability policies, whether such injuries were reported to the home office of the company or to any of its representatives, and whether such injuries resulted in loss to the company or not.

2. The amount that on or before the 31st day of August of the year in which the statement is made had been paid on account or in consequence of all injuries so reported, including therein all payments on suits arising from such injuries.

3. The number of suits or actions under such policies on account of injuries reported which have been settled either by payments or compromise.

4. The amount paid in settlement of such suits or actions on or before the 31st day of August of the year when the statement is made, including therein all payments made on account or in consequence of injuries from which the suits arose, whether prior to or later than the date when the suits were brought. Every such company shall in its financial statements hereafter made in this State use the experience so ascertained for computing its outstanding losses under all its forms of liability policies, irrespective of the date when the policies were issued. The average cost per suit of settling such cases, as computed by the data required in this section, shall be multiplied by the number of suits or actions pending on account of injuries reported prior to eighteen months previous to the date on which the condition of the company is to be ascertained and shown, which suits or actions are being defended for or on account of a holder of any such policy; also the average cost on ac-

count of each injured person, determined as aforesaid from the company's experience, shall be multiplied by the number of injuries reported within the eighteen months prior to making the statement of the company's condition, whether such injuries were reported to the home office of the company or to any of its representatives. From the sum of these two products so ascertained there shall be deducted the amount of all payments made on account or in consequence of said injuries reported within eighteen months, this amount so deducted to be taken as of the date at which the said statement is made. The sum remaining after making this deduction shall be charged as the liability of the company on account of outstanding losses.

Any admitted company issuing liability contracts, which, by reason of its limited experience in liability underwriting cannot furnish the information required by this section shall, nevertheless, until it is able to comply with said requirements be charged with a liability for outstanding losses upon all kinds of its liability policies an amount not less than the amount resulting from the following process:

The number of suits or actions pending on account of injuries reported prior to eighteen months previous to the date of making up the statement, whether such injuries were reported to the home office of the company or to any of its representatives, which are being defended on account of the holder of any policy shall be multiplied by the average cost per suit as shown by the average experience of all other admitted liability companies ascertained from the data required by this section; also the number of injuries reported under said policies at any time within eighteen months of making up the statement, whether reported to the home office of the company or to any of its representatives and whether such injuries resulted in loss to the company or not, shall be multiplied by the average cost for each injured person as shown by the average of said experience of all other admitted liability companies, ascertained from the data required by this section. From the sum of these two products there shall be deducted the amount of all payments made on account or in consequence of said injuries reported within eighteen months, this amount to be taken as of the date at which the statement is made. A sum not less than the amount remaining after this deduction shall be charged as a liability for out-

standing losses to liability companies covered by the provisions of this paragraph. The average cost for suits and for injured persons required by this paragraph shall, on or before the first day of December of each year, be furnished by the Insurance Commissioner to every such company which has not had an experience of ten years in liability underwriting.

Besides the reserve provided for in this section each such company shall be charged as a liability with all unpaid losses of which the company received notice on or before December 31, and all other debts and liabilities. If the capital stock of any such company, computing its liabilities in accordance with the provisions of this section, shall be at any time impaired to the extent of twenty per cent thereof, it shall be the duty of the Commissioner of Insurance and Banking to give notice to the company to make good its whole capital stock within sixty days; and if this is not done he shall require the company to cease to do business within this State, and shall thereupon, in case the company is organized under the authority of the State, immediately institute legal proceedings to wind up the affairs of such company. The Commissioner of Insurance and Banking, in calculating the reserve liability of any such company may accept the certificate of the officer of any other State charged with the duty of supervising such company, as to any such company organized under the laws of such State; provided, such certificate shows that such liability has been computed in accordance with the provisions of this section.

Sec. 55. All the provisions of the laws of this State applicable to life, fire, marine, inland, lightning or tornado insurance companies shall, so far as the same are applicable, govern and apply to all companies transacting any other kind of insurance business in this State so far as they are not in conflict with provisions of law made specially applicable thereto.

Sec. 56. Companies may be incorporated in the manner prescribed by this act for the incorporation of life, accident and health insurance companies generally, which shall have power only to transact business within the State of Texas, and to write insurance only on the weekly or monthly premium plan, and to issue no policy promising to pay more than \$1000 in the event of the death of the insured from natural causes, nor more than \$2000 in the event of death of any person from accidental

causes, which may issue combined or separately, life, accident or health insurance policies with not less than an actual paid up capital of \$25,000; provided, that all such companies shall be subject to all the laws regulating life insurance companies in this State, not inconsistent with the provisions of this section; and provided, further, that such companies shall not be permitted to invest their assets in other than Texas securities as defined by the laws of this State, regulating the investments of life insurance companies.

Sec. 57. The assets of any company not organized under the laws of this State shall be invested in securities or property of the same classes permitted by the laws of this State as to home companies or by other laws of this State in other securities approved by the Commissioner of Insurance and Banking as being of substantially the same grade.

Sec. 58. Any officer of any insurance company not organized under the laws of this State who shall file with the Commissioner of Insurance and Banking any statement, report or other paper required or provided for by law to be so filed, which shall contain any material statement or fact known to be false by the person filing the same, or any person who shall execute or cause to be executed any such false statement, report or other paper, to be so filed, shall be deemed guilty of a felony and upon conviction shall be punished by imprisonment in the penitentiary for a term of not less than one year.

Sec. 59. In addition to the duties required of the Commissioner of Insurance and Banking by this act, he shall perform other duties as follows:

1. To see that all laws respecting insurance and insurance companies are faithfully executed.

2. To file and preserve in his office all acts or articles of incorporation of insurance companies and all other papers required by law to be deposited with him and upon application of any party interested therein to furnish certified copies thereof upon payment of the fees prescribed by law.

3. He shall as soon as practicable in each year, calculate or cause to be calculated in his office by an officer or employe of his department, the net value on the 31st day of December of the previous year of all the policies in force on that day in each life or health insurance company doing business in the State, upon the basis and in the manner prescribed by law.

4. Having determined the net value

of all the policies in force, it shall be his duty to see that the company has in safe securities of the class and character required by the laws of this State the amount of said net value of all its policies after all its debts and claims against it and at least \$100,000 of surplus to policyholders have been provided for.

5. He may accept the valuation made by the Insurance Commissioner of the State, under whose authority a life insurance company was organized, when such valuation has been properly made on sound and recognized principles as a legal basis as above; provided, the company shall furnish to him a certificate of the Insurance Commissioner of such date, setting forth the value calculated on the data designated above, of all the policies in force in the company on the previous 31st day of December, and stating that after all other debts of the company and claims against it at that time, and \$100,000 surplus to policyholders as above; provided, the company had, in safe securities of the character required by the laws of this State, an amount equal to the net value of all its policies in force, and that said company is entitled to do business in its own State.

6. Every life insurance company doing business in this State during the year for which the statement is made that fails promptly to furnish the certificate aforesaid, shall be required to make full detailed lists of policies and securities to the Insurance Commissioner, and shall be liable for all charges and expenses consequent upon not having furnished said certificates.

7. For every company doing fire insurance business in this State he shall calculate the re-insurance reserve for unexpired fire risks by taking fifty per cent of the premiums received on all unexpired fire risks by taking fifty per year to run, and a pro rata of all premiums received on risks that have more than one year to run; provided, that when the re-insurance, reserve, calculated as above, is less than forty per cent of all the premiums received during the year, the re-insurance reserve in this case shall be the whole of the premiums received on all of its unexpired risks. For every company transacting any kind of insurance business in this State, for which no basis is prescribed by law, he shall calculate the re-insurance reserve upon the same basis prescribed in this section as to companies transacting fire insurance business.

8. In marine and inland insurance he shall charge all the premiums received on unexpired risks as a re-insurance reserve.

9. Having charged against a company other than life, the re-insurance reserve, as prescribed by the laws of this State, and adding thereto all other debts and claims against the company, he shall, in case he finds the capital stock of the company impaired to the extent of twenty per cent, give notice to the company to make good its whole capital stock within sixty days; and if this is not done, he shall require the company to cease to do business within this State, and shall, thereupon, in case the company is organized under authority of the State, immediately institute legal proceedings to determine what further shall be done in the case.

10. The Commissioner shall publish the result of his examination of the affairs of any company whenever he deems it for the interest of the public.

11. He shall suspend the entire business of any company of this State and the business within this State of any other company during its non-compliance with any provision of the law relative to insurance, or when its business is being fraudulently conducted, by suspending or revoking the certificate granted by him, and he shall give notice thereof to the Insurance Commissioner or other similar officer of every State and shall publish notice thereof; provided, that he shall give such company at least ten days' notice in writing of his intention to suspend its right to do business or revoke the certificate of authority granted by him, stating specifically the reasons why he intends to so suspend or revoke such certificate of authority.

12. He shall report promptly and in detail to the Attorney General any violation of law relative to insurance companies or the business of insurance.

13. He shall furnish to the companies required to report to him the necessary blank forms for the statements required.

14. He shall preserve in a permanent form a full record of his proceedings and a concise statement of the condition of each company or agency visited or examined.

15. At the request of any person, and on the payment of the legal fee, he shall give certified copies of any record or papers in his office when he deems it not prejudicial to public interests, and shall give such other certificates as are provided for by law.

16. He shall report annually to the Governor the names and compensations of his clerks, the receipts and expenses of his department for the year, his official acts, the condition of companies doing business in this State, and such other information as will exhibit the affairs of said department.

17. He shall send a copy of such annual report to the Insurance Commissioner or other similar officer of every State, and to each company doing business in this State.

18. On request, he shall communicate to the Insurance Commissioner or other similar officer of any other State, in which the substantial provisions of the law of this State relative to insurance have been or shall be enacted, any facts, which by law, it is his duty to ascertain respecting the companies of this State doing business within such other State.

19. He shall see that no company is permitted to transact the business of life insurance in this State whose charter authorizes it to do a fire, marine, lightning, tornado or inland insurance business, and that no company authorized to do a life or health insurance business in this State be permitted to take fire, marine or inland risks.

Sec. 60. The Commissioner of Insurance and Banking may from time to time make such changes in the forms of the annual statements required of insurance companies of any kind, as shall seem to him best adapted to elicit a true exhibit of their condition and methods of transacting business; provided, that such terms and requirements shall elicit only such information as shall pertain to the business of the company.

Sec. 61. It shall not be lawful for any insurance company organized under the laws of this State to make any dividend except from surplus profits arising from its business, and in estimating such profits there shall be reserved therefrom the lawful reserve on all unexpired risks, and also the amount of all unpaid losses, whether adjusted or unadjusted, and all other debts due and payable or to become due and payable by the company. Any dividends made contrary to the provisions of this article shall subject the company making them to a forfeiture of its charter and the Commissioner of Insurance shall forthwith revoke its certificate of authority; provided, that he shall give such company at least ten days' notice in writing of his intention to revoke

such certificate, stating specifically the reasons why he intends to revoke same.

Sec. 62. Corporations may be incorporated under the laws of this State to transact any one or more kinds of insurance business other than life, fire, marine, inland, lightning or tornado insurance business in the same manner and by complying with the same requirements as prescribed by law for the incorporation of life insurance companies; provided, that no such company shall be incorporated having the power to do a fidelity and surety business or a liability insurance business with a paid up capital stock of less than \$200,000.

Sec. 63. Whenever, without justifiable cause, any person being within this State refuses to appear and testify before the Commissioner of Insurance when duly summoned, he may be attached by order of such Commissioner and imprisoned in the county jail until he testifies.

Sec. 64. Sheriffs and other peace officers of this State shall execute process directed to them by the Commissioner of Insurance and make return thereof to him as in the case of process issued from any of the courts.

Sec. 65. None of the terms or provisions of this act shall apply to nor in anywise affect fraternal beneficiary associations as defined by the laws of this State, nor apply to companies carrying on the business of life or casualty insurance, on the assessment or annual premium plan, under the provisions of Articles 3090, 3091 and 3092, Revised Civil Statutes of the State of Texas.

Sec. 66. The Commissioner of Insurance and Banking, for the purpose of examinations authorized by law, has power either in person or by one or more examiners by him commissioned in writing:

1. To require free access to all books and papers within this State of any insurance companies or the agents thereof doing business within this State.

2. To summon and examine any person within this State, under oath, which he or any examiner may administer, relative to the affairs and conditions of any insurance company.

3. To visit at its principal office,

wherever situated, any insurance company doing business in this State, for the purpose of investigating its affairs and condition, and shall revoke the certificate of authority of any such company in this State refusing to permit such examination. The reasonable expenses of all such examinations shall be paid by the company examined.

4. He may revoke or modify any certificate of authority issued by him when any conditions prescribed by law for granting it no longer exist.

5. He shall also have power to institute suits and prosecutions, either by the Attorney General or such other attorney as the Attorney General may designate, for any violation of the law of this State relating to insurance, and no action shall be brought or maintained by any person other than the Commissioner of Insurance and Banking for closing up the affairs or to enjoin, restrain or interfere with the prosecution of the business of any such insurance company organized under the laws of this State.

Sec. 67. No life insurance company doing business in this State, and no officer, director or agent thereof shall issue or circulate or cause or permit to be issued or circulated any estimate illustration, circular or statement of any sort misrepresenting the terms of any policy issued by it or benefits or advantages to be promised thereby or the dividends or share of surplus to be received thereon.

Sec. 68. No recovery upon any life, accident or health insurance policy shall ever be defeated because of any misrepresentation in the application which is of an immaterial fact and which does not affect the risks assumed.

Sec. 69. Article 3049 of the Revised Civil Statutes as amended by the Thirtieth Legislature, and Articles 3047, 3048 and 3096y of the Revised Civil Statutes of Texas; Article 3050 of the Revised Civil Statutes of Texas; Article 3051 of the Revised Civil Statutes of Texas, as amended by the Twenty-fifth Legislature, Called Session, 1897; Articles 3052 and 3053 of the Revised Civil Statutes of Texas; all of Chapter 4 of Title 58, and Articles 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3085 and 3088 of the Revised Civil Statutes of Texas, be and the same are hereby repealed.

Sec. 70. The crowded condition of the calendar and the near approach of the end of the session creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

SENATE BILLS NOS. 284 AND 186— PRINTED IN THE JOURNAL.

Following are Senate bills Nos. 284 and 186, printed in the Journal by order by the Senate:

S. B. No. 284. By Senator Peeler.
(By request.)

A BILL

To Be Entitled

An Act concerning surety companies authorized to transact business in this State and their agents and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates, and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees and others and to prevent discriminations, favoritism or rebates, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any two or more surety companies authorized to transact business in this State, or their agents therein, may form an association for the purpose of reducing losses, gathering statistics, exchanging experiences and ascertaining the fair and reasonable rates to be paid them for their suretyship; and such association and such companies and their agents may establish and maintain rates so ascertained and made; provided, that said rates are not unreasonable or excessive and do not exceed the rates that are now or may hereafter be established by law for any class of suretyship; and may also adopt means to prevent discriminations and rebates on the part of any company represented therein, and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees, guardians, executors, administrators and other fiduciaries of whatsoever kind, and of

others for whom surety companies may become sureties; provided, that all such rates shall before the same become effective under this act, be submitted to the Commissioner of Insurance and Banking and shall be by him approved as conforming to the requirements of this act.

Sec. 2. No such surety company shall make or permit any discriminations or favoritism between those of the same class for whom it shall issue its obligation, nor shall it, nor any of its agents, pay or allow, directly or indirectly, as an inducement to suretyship, any rebate of the premium payable for such suretyship, or any special favor or advantage to accrue thereon.

Sec. 3. Any such surety company, or agent thereof, who shall violate any of the provisions of the preceding section shall forfeit and pay a sum of not exceeding one hundred dollars (\$100) for each and every violation thereof, to be recovered in an action in the name of the State.

Sec. 4. The fact that there is now no law authorizing the organization of the association provided for in this act and the crowded condition of the calendar creates an emergency and an imperative public necessity, requiring the suspension of the constitutional rule requiring bills to be read on three several days and said rule is hereby suspended and this act shall take effect from and after its passage, and it is so enacted.

S. B. No. 186. By Senator Cofer.

A BILL

To Be Entitled

An Act to amend Article 633, Chapter 7, Title 15 of the Revised Penal Code of 1895, relating to the crime of rape, and to declare an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 633, Chapter 7, Title 15 of the Revised Penal Code of 1895 be so amended that hereafter it may read as follows:

Article 633. Rape is the carnal knowledge of a woman without her consent, obtained by force, threats, of fraud or the carnal knowledge of a woman other than the wife of the person having such carnal knowledge with or without the consent, and with or without use of force, threats, or fraud, such woman being so mentally diseased at the time as to have no will to oppose

the act of carnal knowledge, the person having carnal knowledge of her, knowing her to be so mentally diseased; or the carnal knowledge of a female under the age of 18 years, other than the wife of the person, with or without her consent and with or without the use of force, threats or fraud.

Sec. 2. The crowded condition of the calendar and the near approach of the close of the present session of the Legislature creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

House bill No. 200, A bill to be entitled "An Act to amend Sections 1 and 2, Chapter 11 of the General Laws of the Thirtieth Legislature of the State of Texas, and being an act to amend Sections 1 and 2, Chapter 23 of the Acts of the Twenty-ninth Legislature of the State of Texas, and being an act to amend Sections 1 and 2, Chapter 71 of the Acts of the Twenty-eighth Legislature of the State of Texas, being an act to amend Section 1, Chapter 24 of the Acts of the Twenty-seventh Legislature of the State of Texas, being an act to amend Section 1, Chapter 28 of an act passed by the Twenty-sixth Legislature of the State of Texas, and sent out to the Governor for his approval on the 20th day of May, 1899 entitled 'An Act providing a mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in the following counties, or in any subdivisions of said counties, viz.: Cooke, Bell, Ellis, Montague, Fayette, Jackson, Collin, Rockwall, Lamar, Milam, Denton, Falls, Navarro, Fannin, Hunt, Tarrant, Grayson, Guadalupe, Dallas, Austin, Brazos, so as to place Lavaca, Colorado, Washington, Williamson, Smith and Delta counties under the provisions of said chapter, so as to place McLennan, San Patricio, Limestone, Coryell, Kaufman, Rains, Bastrop, Bee, Camp, Caldwell, Calhoun, Cass, Comanche, Erath,

Hill, Harrison, Hopkins, Jackson, Bosque, Montgomery, Morris, Upshur, Parker, Rusk, Red River, Titus, Trinity, Victoria, Van Zandt, Wise, Walker, Wood, Wilson, Comal, Nueces, Bexar, Eastland, Cherokee, Travis, Atascosa, Blanco, Hays, Hidalgo, Medina, Starr, Swisher, Donley, Childress, Foard, Wharton, Clay, De Witt, Robertson, Hamilton, Mills and Burnet counties under the provisions of said chapter, and to provide for holding an election for the purpose of enabling the freeholders of such counties or subdivisions thereof as may adopt said law to repeal the same, so as to place Brown, Blanco, Coleman, Callahan, Franklin, Gillespie, Hood, Llano, Jones, Jack, Scurry, Somervell, Taylor and Wilbarger under the provisions of said chapter, and to exempt therefrom the counties of Bee, Calhoun, Jackson, Montgomery, Trinity, Victoria and Walker, so as to place Freestone county under the provisions of said chapter, and to provide for the holding of an election for the purpose of enabling the freeholders of such counties or subdivisions thereof as may have adopted said law, to repeal the same."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass, but that Committee Substitute No. 200, A bill to be entitled "An Act to amend Sections one (1) and two (2), Chapter 128 of the General Laws of the Twenty-sixth Legislature, the same being an act providing the mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in certain counties therein named, or in any subdivision of said counties, as amended by Chapter 24 of the General Laws of the Twenty-seventh Legislature, and Chapter 71 of the General Laws of the Twenty-eighth Legislature, and Chapters 23 and 94 of the General Laws of the Twenty-ninth Legislature, and Chapters 11 and 57 of the General Laws of the Thirtieth Legislature, so as to include the counties of Freestone, Hidalgo, Starr, Swisher, Donley, Childress, Foard, Wharton, Clay, De Witt, Robertson, Hamilton, Mills, Burnet, Atascosa, Medina and Waller within the provisions of said law, and declaring an emergency, and repealing all laws in conflict herewith," be passed in lieu thereof, and be not printed.

Mayfield, Chairman; Cofer, Sturgeon, Paulus, Willacy, Kellie, Murray, Holsey.

H. B. No. 200.

By Committee.

A BILL

To Be Entitled

An Act to amend Sections one (1) and two (2), Chapter 128 of the General Laws of the Twenty-sixth Legislature, the same being an act providing the mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in certain counties therein named, or in any subdivision of said counties (as amended by Chapter 24 of the General Laws of the Twenty-seventh Legislature, and Chapter 71 of the General Laws of the Twenty-eighth Legislature, and Chapter 23 and 94 of the General Laws of the Twenty-ninth Legislature, and Chapters 11 and 57 of the General Laws of the Thirtieth Legislature, so as to include the counties of Freestone, Hidalgo, Starr, Swisher, McCulloch, San Saba, Donley, Childress, Haskell, Foard, Wharton, Mason, Clay, De Witt, Robertson, Hamilton, Mills, Burnet, Atascosa and Medina and Waller within the provisions of said law, and declaring an emergency, and repealing all laws in conflict herewith.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Sections 1 and 2 of the Chapter 128 of the General Laws of the Twenty-sixth Legislature, as amended by Chapter 24 of the General Laws of the Twenty-seventh Legislature, and Chapter 71 of the General Laws of the Twenty-eighth Legislature, and Chapters 23 and 94 of the General Laws of the Twenty-ninth Legislature, and Chapters 11 and 57 of the General Laws of the Thirtieth Legislature, be and the same are hereby amended so as to read as follows:

Section 1. Upon the written petition of one hundred freeholders of any of the following counties: Anderson, Austin, Bastrop, Bee, Bell, Bexar, Blanco, Borden, Bosque, Brazos, Brown, Caldwell, Calhoun, Callahan, Camp, Cass, Cherokee, Clay, Coleman, Collin, Colorado, Cooke, Comal, Comanche, Coryell, Crosby, Cochran, Crane, Dallas, Dawson, Delta, Denton, Eastland, Ector, Ellis, Erath, Falls, Fannin, Fayette, Franklin, Fisher, Gaines, Guadalupe, Garza, Glasscock, Gillespie, Grayson, Harrison, Haskell, Hays, Hill, Hood, Hopkins, Howard, Hockley, Hunt, Jack, Jackson, Jones, Johnson, Kaufman, Knox, Lamar,

Lavaca, Limestone, Lynn, Llano, Lubbock, Mason, McLennan, Martin, Midland, Milam, Mitchell, Montague, Morris, Navarro, Nolan, Nueces, Parker, Rains, McCulloch, Red River, Rockwall, Rusk, San Patricio, Scurry, Smith, Somervell, Tarrant, Taylor, Terry, Titus, Travis, Upshur, Victoria, Van Zandt, Washington, Williamson, Wilson, Wise, Ward, Wood, Winkler, Wilbarger, Freestone, Hidalgo, San Saba, Starr, Swisher, Donley, Childress, Foard, Wharton, Clay, De Witt, Robertson, Hamilton, Mills, Burnet, Atascosa, Medina and Waller, or upon the written petition of fifty freeholders of any such subdivision of a county as may be described in the petition and defined by the commissioners court of any of the above named counties, the commissioners court of said county shall order an election to be held in such county or such subdivision of a county as may be described in the petition and defined by the commissioners court, on the day named in the order, for the purpose of enabling the freeholders of such county or subdivision of a county as may be described in the petition and defined by the commissioners court to determine whether horses, mules, jacks jennets and cattle shall be permitted to run at large in such county or such subdivision of a county as may be described in the petition and defined by the commissioners court; provided, that there is an application for an election to include an entire county, there shall not be less than twelve freeholders from each justice precinct of said county as signers to the petition for such election.

Sec. 2. Upon the written petition of 200 freeholders of any of the above named counties, or upon the written petition of fifty freeholders of any subdivision of the above named counties, if the law be in force in that subdivision only, the commissioners court shall be authorized and required to order an election on the date therein named to determine whether or not said law be repealed; provided, that such petition be not filed within less than two years from the date this law goes into effect; and, provided further, that such petition be signed by at least twenty-four freeholders from each justice precinct in such county. But if this law becomes operative over any of the above named counties, as prescribed, it can in no case be repealed by any subdivision, except by a two-thirds majority of the votes cast by the freeholders of such counties, at

an election held in accordance with the provision of this act.

Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 4. From the fact that the citizens of said counties desire an opportunity to vote on the question as to whether stock should be permitted to run at large at an early date, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this act take effect and be in force from and after its passage, and it is so enacted.

(Floor Report.)

Austin, Texas, March 5, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 26, A bill to be entitled "An Act to remove clouds from title to land arising from claims for back taxes, and to authorize the Comptroller of the State of Texas to make such settlements of such claim and to issue certificates, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Meachum, Chairman; Masterson, Senter, Peeler, Ward, Paulus, Veale, Stokes, Hume.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 310, A bill to be entitled "An Act to amend Chapter 157 of an act of the Thirtieth Legislature, said act being entitled 'An Act to amend Article 651, Chapter 3, Title 21 of the Revised Statutes of the State of Texas, and declaring an emergency,' defining the powers of private corporations and amending said act so that said corporations may have as many as twenty-one directors, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

Brachfield, Acting Chairman; Peeler, Stokes, Thomas, Hume, Paulus, Masterson, Senter.

The above committee report was read, and adopted so far as relating to printing in the Journal.

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 6, Proposing an amendment to Section 1, Article 3 of the Constitution of the State of Texas, relating to the legislative power,

Have had same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass.

VEALE, Chairman.

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 4, To amend Section 9 of Article 7 of the Constitution of the State of Texas, relating to taxation, authorizing a levy to build interurbans and other railroads,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

VEALE, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 3, Proposing an amendment to Section 1 of Article 8 of the Constitution of the State of Texas,

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

VEALE, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 3, Proposing an amendment to Section 1 of Article 8 of the Constitution of the State of Texas,

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do not pass.

WATSON.

(Majority Report.)

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 8, To amend Section 2 of Article 6 of the Constitution of the State of Texas, relating to the qualification of electors,

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

VEALE, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the minority of your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 8, To amend Section 2 of Article 6 of the Constitution of the State of Texas, relating to the qualification of electors,

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do not pass.

WATSON.

Committee Room,
Austin, Texas, March 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

House bill No. 127, A bill to be entitled

"An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employes while engaged in labor in the service of such railroad company,"

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass, and be not printed.

BRACHFIELD, Chairman.

Committee Room,

Austin, Texas, March 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 48, A bill to be entitled "An Act to regulate certain traffic and freight rates of certain railroads and their connecting common carriers in this State, and to define and prescribe the duties and power of the Railroad Commission of Texas with respect thereto, and also to stipulate when this act takes effect, by declaring an emergency, and to repeal all laws or parts of laws in conflict therewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass, and be not printed.

BRACHFIELD, Chairman.

Committee Room,

Austin, Texas, March 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 229, A bill to be entitled "An Act to regulate the running of street cars; to provide good comfortable vestibules for the protection of motormen; to provide for running a closed car at certain times of the year; to provide for the use of only such cars as have an aisle through the center; to provide for the use of air brakes on all cars weighing ten tons or more; to make the violation of the provisions of this act an offense, and to fix a penalty therefor, and to repeal all laws in conflict therewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass, and be not printed.

BRACHFIELD, Chairman.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Stock and Stock Raising, to whom was referred

House bill No. 204, A bill to be entitled "An Act to amend Article 4978, Chapter 5, Title 102 of the Revised Civil Statutes of Texas, 1895, relative to the mode of preventing certain animals from running at large in counties and subdivisions,"

Have had the same under consideration, and we report it back to the Senate, with the recommendation that it do pass, and be not printed.

Adams, Chairman; Murray, Alexander, Hudspeth.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Stock and Stock Raising, to whom was referred

House bill No. 269, A bill to be entitled "An Act to repeal Article 5001, Title 102, Revised Civil Statutes of the State of Texas of 1895, as amended by Chapter 80 of the Acts of the Twenty-eighth Legislature, and as amended by Chapter 3 of the Twenty-ninth Legislature, relating to the prevention of hogs, sheep and goats from running at large, and declaring an emergency,"

Have had the same under consideration, and we report it back to the Senate, with the recommendation that it do pass, and be not printed.

Adams, Chairman; Murray, Alexander, Hudspeth.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Stock and Stock Raising, to whom was referred

Senate bill No. 304, A bill to be entitled "An Act to allow all counties in this State to determine by a vote of the people as to whether such county shall have a hide and animal inspector, and to provide for filling such office; and providing fees for same; and providing the duties of such officer, and creating an emergency,"

Have had the same under consideration, and we report it back to the Sen-

ate, with the recommendation that it do pass, and be not printed.

Adams, Chairman; Murray, Alexander, Hudspeth.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Stock and Stock Raising, to whom was referred

House bill No. 227, A bill to be entitled "An Act to amend Article 4993 and Article 4994 and Article 4995, on page 997, Revised Civil Statutes of 1895, relating to the mode of preventing certain animals from running at large in counties and subdivisions,"

Have had the same under consideration, and we report it back to the Senate, with the recommendation that it do pass, and be not printed.

Adams, Chairman; Murray, Alexander, Hudspeth.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Stock and Stock Raising, to whom was referred

House bill No. 525, A bill to be entitled "An Act to require the Governor to appoint an inspector of hides and animals for the county of Parmer, and place said county under the provisions of Article 5002 to 5042 inclusive, Revised Statutes of 1895, and declaring an emergency,"

Have had the same under consideration, and we report it back to the Senate, with the recommendation that it do pass, and be not printed.

Adams, Chairman; Murray, Alexander, Hudspeth.

Committee Room,

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 280, A bill to be entitled "An Act making it an offense for any person, firm or corporation or association of persons engaged in the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, under the provisions of Article 5060j of the Revised Statutes of the State of Texas, fail or refuse to file with the clerk of the county court of the county in which his business is trans-

acted, between the first and third days of each month, all prescriptions upon which they have made sales, as provided in said Article 5060j of the Revised Statutes, verified by an affidavit, and to provide a penalty of a fine and imprisonment and forfeiture of license for failure to do so; and to prevent such person, firm, corporation or association of persons from obtaining a new license for period of two years after the forfeiture of same,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass with the following amendments, and be printed in the Journal:

Amend by striking out the words "or corporation, or association of persons," in lines 5 and 6 of the bill, on page 2 thereof, and amend the bill further by adding after the figures "\$500," in line 8, on page 2 of the bill, the following: "And if any corporation shall fail to comply with the provisions of this act, such corporation shall forfeit its charter at the suit of the Attorney General of the State of Texas, or if a foreign corporation its permit to do business in the State of Texas shall be canceled at the suit of the State by its Attorney General of the State of Texas, and in addition to the penalties herein prescribed such corporation shall forfeit to the State of Texas for the violation of this act any sum not less than \$500 nor more than \$1000 for each conviction."

HARPER, Chairman.

The above committee report was read and adopted, so far as relating to the printing of the bill in the Journal, on motion of Senator Harper.

Committee Room,

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 25, A bill to be entitled "An Act to define the offense of shooting at or into, or throwing any missile at or into any railroad train, or any part thereof, or derailing or attempting to derail any railroad train, to constitute such an offense a felony, and to prescribe a punishment therefor,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

Committee Room,

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 175, A bill to be entitled "An Act to regulate the sale of intoxicating liquors and medicated bitters sold under prescription in all local option territory in the State of Texas; define the duties of the commissioners court and county judges thereunder, and providing penalties for the violation thereof, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

Committee Room,

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 253, A bill to be entitled "An Act to prohibit bucket shops or bucket shopping within this State, and to provide penalties for its violation; to prohibit gambling in contracts for future delivery; to render unlawful any contracts for future delivery, where delivery is not intended, or where such contract is not made as a hedge to protect against fluctuations in value of products or securities; to require commission brokers or merchants to accept no future contracts except where intended for actual delivery or a hedge on actual products or securities; to prohibit the purchase or sale of such contracts by individuals and to provide penalties against both buyer or seller and broker who violate the provisions of this act,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 104, A bill to be entitled "An Act to prohibit the sale of spirituous, vinous, fermented and malt liquors

by any person who has not obtained from the Comptroller of Public Accounts a permit to apply to the county judge an order for license and who has not obtained from the clerk of the county court a license to sell spirituous, vinous, fermented and malt liquors, fixing penalties for the violation of this act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 2, to whom was referred

Senate bill No. 104, A bill to be entitled "An Act to prohibit the sale of spirituous, vinous, fermented and malt liquors by any person who has not obtained from the Comptroller of Public Accounts a permit to apply to the county judge for license and who has not obtained from the clerk of the county court a license to sell spirituous, vinous, fermented and malt liquors, fixing penalties for the violation of this act, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

HARPER.

Committee Room,

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 227, A bill to be entitled "An Act to prohibit the making of political speeches and the discussing of political matters in all public houses of worship commonly called churches; declaring the same to be an offense; fixing a punishment for the violation thereof, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 302, A bill to be entitled "An Act to amend Article 237, Title 8, Chapter 4, of the Penal Code of the State of Texas, relating to resisting an officer executing or attempting any process in a civil cause; and to protect collectors of taxes in levying on personal property of delinquent taxpayers,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 271, A bill to be entitled "An Act to amend the Penal Code of the State of Texas by adding thereto Article 812a, prohibiting the owners of sheep affected with the scab or other infectious or contagious disease from driving or permitting the same to be driven over or along any public road or highway in this State or on or over the enclosed lands of another without the written consent of such owner, and prescribing a penalty therefor, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HARPER, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 16, A bill to be entitled "An Act to amend Article 639, of Chapter 7, Title 15 of the Penal Code of the State of Texas, in reference to the punishment for rape, and providing who shall perform castration, and fixing a fee therefor, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it

back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 2, to whom was referred.

House bill No. 16, A bill to be entitled "An Act to amend Article 639, of Chapter 7, Title 15, of the Penal Code of the State of Texas, in reference to the punishment for rape, and providing who shall perform castration, and fixing a fee therefor, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HARPER.

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 290, A bill to be entitled "An Act to amend Section 2, Chapter 63 of the General Laws of the State of Texas, passed by the Thirtieth Legislature, relating to the sale or offer of sale or to the shipment for sale in the county of Montgomery of any squirrels, and providing a penalty, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HARPER, Chairman.

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 144, A bill to be entitled "An Act to protect benevolent, humane, fraternal or charitable corporations in the use of their names and emblems, and providing penalties for the violation therefor,"

Have had the same under consideration, and I am instructed to report it

back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 93, A bill to be entitled "An Act to require any person, firm or corporation operating a telephone in this State over which the public is charged for talking to make and publish rates of charges and to exhibit same, and to prohibit such persons, firm or corporation from charging for over time that is not actually talked, and for charging for messenger service that is not used or that does not see the person to whom they are sent, and providing the penalties for violation of same, and providing an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 275, A bill to be entitled "An Act to define and punish the giving of false and contradictory evidence before a grand jury, from that sworn to, and the evidence given in the trial courts of the State, and prescribing a punishment therefor, and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 81, A bill to be entitled "An Act to amend Article 377 of Chapter 1, Title 7 of the Code of Criminal Procedure of the State of Texas,"

Have had the same under consideration, and I am instructed to report it

back to the Senate with the recommendation that it do pass, and be not printed.

HARPER, Chairman.

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 289, A bill to be entitled "An Act to protect the wild fox in the county of Montgomery, State of Texas, from being trapped, killed or hunted in any other manner than with hounds or dogs, and to prevent the shooting or trapping of same, and providing a penalty for the violation of said act, and to create an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HARPER, Chairman.

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 35, A bill to be entitled "An Act to amend Article 375, Title 11, Chapter 2 of the Penal Code of Texas, relating to raffles, and prescribing a penalty therefor,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HARPER, Chairman.

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 59, A bill to be entitled "An Act defining trespass, and defining a penalty therefor, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HARPER, Chairman.

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 7, A bill to be entitled "An Act to regulate the racing of running horses in the State of Texas, and to establish a State Racing Commission, and prescribing its powers and duties,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 160, A bill to be entitled "An Act to require persons keeping billiard or pool rooms to keep an open house, and prescribing penalties for the violation of this act,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 303, A bill to be entitled "An Act to amend Article 243, Title 8, Chapter 4 of the Penal Code of the State of Texas, relating to the definition of the term 'officer' as used in this chapter,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 193, A bill to be entitled "An Act to provide adequate fees for district and county attorneys for prosecuting violators of the laws, prohibit-

ing the unlawful sale of intoxicating liquors,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 249, A bill to be entitled "An Act to place telegraph and telephone companies under the Railroad Commission," etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 2, to whom was referred

Senate bill No. 249, A bill to be entitled "An Act to place telegraph and telephone companies under the Railroad Commission," etc.,

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

STURGEON,
ALEXANDER,
HARPER.

(Majority Report.)

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 72, A bill to be entitled "An Act to prohibit and prevent adulteration, fraud and deception in the manufacture and sale of spirituous, vinous or fermented or malt liquors, or medicated bitters, containing alcohol; providing that such spirituous, vinous or fermented or malt liquors or medicated bitters shall have on the bottle or vessel containing same a formula showing the sub-

stances and ingredients contained therein, and the per cent of alcohol contained in such spirituous, vinous or fermented or malt liquors and medicated bitters; providing penalties for the violation of this act."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 2, to whom was referred

Senate bill No. 72, A bill to be entitled "An Act to prohibit and prevent adulteration, fraud and deception in the manufacture and sale of spirituous, vinous or fermented or malt liquors, or medicated bitters, containing alcohol, providing that such spirituous, vinous or fermented or malt liquors or medicated bitters shall have on the bottle or vessel containing same a formula showing the substances and ingredients contained therein, and the per cent of alcohol contained in such spirituous, vinous or fermented or malt liquors and medicated bitters, providing penalties for the violation of this act,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

HARPER.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

House bill No. 256, A bill to be entitled "An Act to amend Article 2439 of Chapter 1 of Title 45 of the Revised Statutes of the State of Texas of 1895, in reference to fees of office to be charged for and collected by certain State officers, as amended by Chapter 91 of the General Laws of the Regular Session of the Twenty-ninth Legislature, as amended by Chapter 22 of the General Laws of the First Called Session of the Thirtieth Legislature, relating to the fees charged by the Secretary of

State for charters and permits and declaring an emergency."

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, with the following amendments:

Add after the word, "therefore," in line 27, page 2, the following: "For each permit issued by him authorizing a foreign corporation to do business within this State, \$50 for the first \$10,000 of its authorized capital stock, and \$10 for each additional \$10,000 or fractional part thereof; provided, that the fee required to be paid by any foreign corporation for a permit to do the business of loaning money in this State shall in no event exceed \$1,000." Further recommend same to be not printed.

Willacy, Chairman; Terrell of Bowie, Paulus, Murray, Peeler, Sturgeon, Harper, Meachum, Brachfield.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

House bill No. 473, A bill to be entitled "An Act to amend an act passed on the 31st day of March, 1903, 'An Act to amend Subdivision 9, of Article 22, Title 4, of the Revised Civil Statutes of the State of Texas, 1895, changing the time of holding court and the length of terms of court in certain counties in the Ninth Judicial District of the State of Texas,'"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Masterson, Peeler, Paulus, Hume, Sturgeon, Harper, Willacy.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 289, A bill to be entitled "An Act to provide for a system of electric power, electric lights and waterworks for the purpose of supplying electric power, electric light and water to the State Capitol, the General Land Office, Governor's Mansion, State University and the various public institutions of the State of Texas in the city

of Austin, and adjacent thereto; to create a board with authority to construct or have constructed or purchase and put in operation the necessary property, machinery and plant for such purposes, and with authority to lay mains and pipes and to erect poles and place wires across and along streets and alleys, public grounds and public highways in the city of Austin and public roads adjacent thereto, and to secure from the owners by purchase, or condemnation proceedings, if necessary, the right to lay such main and pipes and erect such poles and place wires across private lands; to provide for the operation of such plant, to make an appropriation therefor, and to declare an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Peeler, Chairman; Thomas, Cofer, Sturgeon, Ward, Alexander, Bryan.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 509, A bill to be entitled "An Act to create a more efficient road system for Rusk county, and defining the duties of county judge and commissioners, providing for the appointment of road superintendents and defining their duties; providing for the working of county convicts and delinquent poll taxpayers on the public roads of said county, providing for rewards and penalties for escaped convicts, providing for the relieving of delinquent poll taxpayers from road duties by the payment of three dollars, providing for the appointment of road overseers and requiring them to work the road five full days, and the apportioning of road hands, providing for the duties of road overseers and road hands and fixing penalties for their duties, and the relieving of road hands from service upon the payment of four dollars; giving general powers to the commissioners courts to lay out new roads, to discontinue public roads, and to change public roads and the acquiring road beds for new roads by purchase or by condemnation proceedings; the making of this law cumulative of the general road law of the State, and in case of conflict with the general law of the State, this act to govern as to Rusk county and to

repeal Chapter 42, Acts of the Thirtieth Legislature, 1907, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Senter, Acting Chairman; Mayfield, Murray, Paulus, Peeler, Sturgeon.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

House bill No. 173, A bill to be entitled "An Act to amend Section 1, Chapter 163, page 236, General Laws, passed at the Regular Session of the Twenty-fifth Legislature, 1897, being an Act entitled 'An Act to require cities to provide for a board of plumbers to be known as the Examining Board of Plumbers; to regulate the duties of said board and to provide penalties for the violation hereof; and further to repeal Section 4 of said act,'"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

Senter, Chairman; Alexander, Sturgeon, Cofer, Masterson, Holsey.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 313, A bill to be entitled "An Act granting Palestine, Anderson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict therewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Senter, Chairman; Terrell of McLennan, Holsey, Alexander, Masterson, Wil-lacy, Peeler, Cofer, Real, Sturgeon.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Counties

and County Boundaries, to whom was referred

Senate bill No. 308, A bill to be entitled "An Act providing for the compensation of county commissioners of Cooke county, when acting as road commissioners and performing the duties imposed upon them by law or by the commissioners court, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Hudspeth, Chairman; Willacy, Bryan, Adams, Hayter, Thomas.

(Floor Report.)

Austin, Texas, March 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

House bill No. 251, A bill to be entitled "An Act to validate and legalize all sales of real estate belonging or that belonged to Atascosa county, situated in the town of Pleasanton in Atascosa county, heretofore made at private sales, for and in behalf of said county by commissioners, each in his respective capacity as commissioner, under appointment of commissioners court of said county, by orders entered upon its minutes, to sell and dispose of real estate of said county situated in said town, and also validating all conveyances of said real estate made by said commissioners as such, in consummating such sales,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Murray, Chairman; Kellie, Harper, Hayter, Real, Bryan.

Committee Room,

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 241, A bill to be entitled "An Act to create a county board of education, to prescribe the time and manner of selection of same, to prescribe its qualifications, authority and duties, to vest in the county board of education all rights and powers now vested in the county commissioners court with respect to school affairs, and to provide for appeals in the administration of county school affairs, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed in the Journal.

ALEXANDER, Chairman.

The above report was read and adopted, so far as to the printing in the Journal.

Committee Room,

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 207, A bill to be entitled "An Act to provide for the appointment of a deputy county superintendent of schools for each of the counties of Harris and Travis," etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be not printed.

ALEXANDER, Chairman.

Committee Room,

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 511, A bill to be entitled "An Act to validate Wichita Falls Independent School District in Wichita county, Texas, incorporated at an election held on the first day of August, 1908, and to validate the official act of its trustees and to extend its boundaries and to declare the said Wichita Independent School District as herein defined, a body corporate; to provide for the election of the trustees for said district and define their powers and duties, and to authorize them to appoint other officers for said district and define their powers and duties, and to provide for the levy and collection of taxes in said district for the support of the public free schools therein, and to vest the title to all public free school property in said district in said trustees for the benefit of the public free schools, and for the collection of all unpaid school taxes on property in said district and for the payment of said district of all outstanding debts and obligations chargeable against them, and to authorize the sale of school property unsuitable for school purposes and reinvestment of the proceeds, and to authorize the said trustees to have exclusive management, control

and direction of the public free schools in said district, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be not printed.

ALEXANDER, Chairman.

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 432, A bill to be entitled "An Act creating an independent school district in the county of Ellis, State of Texas, to be known as the Ferris Independent School District, and to have all the powers, rights and duties of independent school districts formed by the incorporation of towns and villages for free school purposes only,"

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass, and be not printed.

ALEXANDER, Chairman.

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 165, A bill to be entitled "An Act to repeal Chapter 5 of the Acts of the Special Session of the Thirtieth Legislature, creating independent school districts for Nixon, Wilson and Gonzales counties, Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

ALEXANDER, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, March 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Federal Relations, to whom was referred

Senate bill No. 248, A bill to be entitled "An Act to amend Chapter 5, General Laws, First Called Session of the Twenty-seventh Legislature, entitled 'An Act to apportion the State of Texas into

congressional districts, naming the counties composing the same, and providing for the election of a member of the Congress of the United States from each district, and repealing all laws and parts of laws in conflict herewith,'"

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do not pass, and be not printed.

STURGEON, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Federal Relations, to whom was referred

Senate bill No. 248, A bill to be entitled "An Act to amend Chapter 5, General Laws, First Called Session of the Twenty-seventh Legislature, entitled 'An Act to apportion the State of Texas into congressional districts, naming the counties composing the same, and providing for the election of a member of the Congress of the United States from each district, and repealing all laws and parts of laws in conflict herewith,'"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass.

• WARD.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 521, A bill to be entitled "An Act incorporating the San Antonio Independent School District; authorizing the election of trustees, which trustees shall be known as the San Antonio school board; giving said district, through its trustees, the power to make contracts, to be a party to actions in courts without giving bond, either original or on appeal; exempting said district from the levy of executions, attachments or garnishments; exempting it from liability from damages for personal injuries; authorizing it to receive gifts, grants, conveyances, donations or devises for the use of the public free schools of said independent school district; giving it power to levy taxes, to issue and dispose of bonds and provide for the pay-

ment of same; and validating all bonds heretofore issued by the San Antonio school board by virtue of Chapter 29 of the Special Laws of the Thirtieth Legislature; validating, ratifying and confirming all official acts of the San Antonio school board heretofore done and approved under and by virtue of said act aforesaid; giving said independent school district, through its trustees, the power to manage and control the public free schools within said district, and to do all things authorized by this act; repealing Chapter 29 of the Special Laws of the Thirtieth Legislature, incorporating the independent school district of the city of San Antonio, and also any special or general laws in conflict with the provisions of this act; and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Sturgeon, Harper, Real, Willacy, Weinert, Hume.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

House bill No. 476, A bill to be entitled "An Act to compel railroad corporations to erect and maintain privies or water closets at passenger stations, to regulate the same, to fix penalties and authorize suits therefor, with an emergency clause,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Brachfield, Murray, Mayfield, Terrell of McLennan, Senter, Holsey, Bryan, Harper.

Committee Room,

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 208, A bill to be entitled "An Act to amend Chapter 4, Title 28 of the Revised Civil Statutes of 1895, by adding an additional article to said chapter, to be known as Article 1119a, and providing for extending terms of

district courts in certain cases, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 117, A bill to be entitled "An Act to provide adequate punishment for any person who shall engage or act in the capacity of a locomotive engineer, or train conductor, upon any railroad in the State of Texas, without having first served three (3) years as a locomotive fireman or engineer, or if engaged as a conductor on any railroad train in this State, he shall be punished as herein provided if he engages to so act without first having served two (2) years as a brakeman, or conductor of a freight train. To punish any person who shall knowingly engage, promote, require, persuade, prevail upon or cause any person to do any act in violation of this act,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,

Austin, Texas, March 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 285, A bill to be entitled "An Act to create a more efficient road system for Val Verde county, Texas,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,

Austin, Texas, March 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 239, A bill to be entitled "An Act to confer upon the county court of Concho county the civil and criminal jurisdiction belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court, and to repeal all laws in con-

flict with this act, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, March 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 296, A bill to be entitled "An Act to amend Section 6 of Chapter 102 of the Acts of the Regular Session of the Twenty-sixth Legislature, entitled 'An Act to promote agriculture and stock raising and prohibit the hunting with firearms or dogs upon the enclosed or posted lands of another, in all counties within this State, not specially named as exempted from the provisions of this act, as amended by the Twenty-sixth Legislature, to provide penalties and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, March 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 259, A bill to be entitled "An Act to incorporate the Wichita Falls Independent School District; to authorize the election of trustees, the issuance of bonds," etc.,

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 313, A bill to be entitled "An Act granting Palestine, Anderson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict therewith, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 134, A bill to be entitled "An Act to repeal Section 12 of an act passed by the First Called Session of the Thirtieth Legislature, Chapter 18, entitled, 'An Act to provide for the levy and collection of an occupation tax upon individuals, companies, corporations and associations pursuing any of the occupations, viz., express companies; telegraph and wireless telegraph; gas; electric light, electric power or waterworks, or water and light business; collecting agency business; commercial agency business; commercial reporting agency business; business of foreign corporations owning stock cars, refrigerator and fruit cars, tank cars, coal cars, furniture cars, common box and flat cars, and leasing renting or charging mileage for the use of such cars within the State of Texas; business of owning, operating, leasing or renting pipe line or pipe lines; sleeping car, palace car, dining car business; life insurance business, fire insurance business, fire and marine business, marine, marine and inland insurance company business, life and accident, life and health, accident, credit, title, steam boiler, live stock and casualty insurance business; surety and guaranty insurance company business, business of wholesale dealers in coal oil, naphtha, benzine and other mineral oils refined from petroleum, and defining wholesale dealers; wholesale distributors or wholesale distributors or malt liquors or medicated bitters capable of producing intoxication, and defining wholesale distributors and dealers; the business of street railway companies, the business of interurban, trolley, traction or electric street railway companies, the business of wholesale and retail dealing in pistols, the business of owning or operating or controlling a telephone business; the business of publishing, printing and selling text-books or law books, or either; the business of owning, controlling, managing or leasing oil wells; the business of owning, controlling, managing or operating any terminal railway company or terminal railway; and providing for the levy and collection of an occupation tax on individuals, companies, firms, corporations, and associations who begin the pursuit of any such occupation taxed herein on or before the beginning date of the quarter as fixed herein; and providing for penalties for violation of the provisions of this act; and

giving the State Revenue Agent authority to assist in the enforcement of the provisions of this act; and repealing all laws and parts of laws in conflict herewith; and to exempt all persons, associations of persons, firms and corporations upon whose business an occupation tax is herein levied from the operation of the act approved April 17, 1905, of the Twenty-ninth Legislature, being Chapter 146 thereof, providing for the taxation of the intangible assets of certain corporations, associations and individuals, and to repeal all sections of the act approved April 17, 1905, of the Twenty-ninth Legislature, being Chapter 148 thereof, imposing an occupation tax upon the occupations herein taxed, preserving all liabilities, obligations and penalties incurred or fixed in Chapter 148, Acts Twenty-ninth Legislature, approved April 17, 1905, and all causes of action and suits arising thereunder, and to declare an emergency,' and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 301, A bill to be entitled "An Act changing and fixing the times of holding courts in the Fortieth Judicial District of Texas, and providing for a longer term of court to be held in Ellis county, and for all writs and process returnable to the other courts at the time now fixed by law shall be returnable at the terms and times now fixed by law shall be returnable at the terms and times as fixed by this act, and shall be valid; and the present district judge now in office and residing in the Fortieth Judicial District shall hold the several terms of court in said districts, for and during the term for which he was elected, and this act shall not affect any term of the district court that may be in session in any of the various counties named herein, at the time this act takes effect, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Masterson, Wil-
lacy, Paulus, Harper, Hume, Ward,
Peeler, Terrell of Bowie.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 4, A bill to be entitled "An Act to amend Article 3142, and to repeal Articles 3143 and 3144 of Chapter 1, Title 62 of the Revised Statutes of 1895, relating to exempting from jury service,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

Meachum, Chairman; Hume, Senter,
Cofer, Stokes, Paulus, Ward.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 214, A bill to be entitled "An Act to amend House bill No. 743 of an act passed by the Thirtieth Legislature of the State of Texas, approved May 2, 1907, entitled 'An Act to incorporate the city of Texarkana as a city of the first-class as a city of ten thousand and over of inhabitants; to grant to the said city a special charter, and to repeal all laws in conflict herewith, and declaring an emergency' as amended by Senate bill No. 63, passed at the Called Session of the Thirtieth Legislature of the State of Texas, approved May 16, 1907, entitled 'An Act to incorporate the city of Texarkana, Texas, as a city of the first-class, as a city of ten thousand and over of inhabitants; to grant to the said city a special charter; to repeal all laws in conflict herewith, and declaring an emergency,' passed at the Regular Called Session of the Thirtieth Legislature of Texas, and approved May 2, 1907, by amending Sections Nos. 1, 49, 57, 133, 144, 163a and 218, by repealing the said sections and by submitting therefor, respectively, Sections Nos. 1, 49, 57, 133, 144, regulating appeals from the corporation court and conforming the jurisdiction of the county court hereto, 163a and 218; that the same shall read and hereafter be as follows: and repealing all laws in conflict with the amendments herein provided, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the

Senate with the recommendation that it do pass, and be not printed.

Senter, Chairman; Terrell of McLennan, Real, Cofer, Masterson, Sturgeon, Willacy, Holsey.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

House bill No. 576, A bill to be entitled "An Act to incorporate the city of Fort Worth, Tarrant county, Texas, and to grant it a new special charter for its local government; to define its powers, and to prescribe its powers and duties and liabilities; creating it an independent school district, and vesting the management and control of its schools in a board of school trustees, repealing all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Senter, Chairman; Alexander, Cofer, Sturgeon, Peeler, Masterson, Terrell of McLennan, Real, Hume, Holsey.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 572, A bill to be entitled "An Act to create a more efficient road system for Hamilton county, and making county commissioners ex-officio road commissioners, and prescribing their powers and duties as such, and providing for their compensation as such road commissioners, and providing for the condemnation of material for the construction and maintenance of public roads, and to provide for the compensation for the material used; and providing for the working of county convicts on the public roads, and the purchase of supplies for such convicts, and rewards for the capture of escaped county convicts, and for commutation of sentence for faithful service and good behavior; and defining the powers and duties of road overseers; and to provide for the summoning of hands and teams for road work, and the allowance for time for services of hands and teams on public roads; and fixing a penalty for viola-

tion of same and relieving them from the payment of such work by the payment of \$4.00; and, providing further, making this act cumulative of the general laws now in force; and to repeal all laws in conflict with this act, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Senter, Acting Chairman; Mayfield, Terrell of McLennan, Paulus, Peeler, Murray, Sturgeon.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 186, A bill to be entitled "An Act to amend Article 633, Chapter 7, Title 15 of the Revised Penal Code of 1895, relating to the crime of rape, and to declare an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass and be printed in the Journal.

Meachum, Chairman; Cofer, Paulus, Stokes, Peeler, Ward, Brachfield.

On motion of Senator Meachum that part of the above report relating to the printing in the Journal, was adopted.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 284, A bill to be entitled "An Act concerning surety companies authorized to transact business in this State, and their agents, and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences, and ascertaining the fair and reasonable rates to be paid them for their suretyship; and to maintain such rates, and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees, and others and to prevent discrimination, favoritism or rebates, and declaring an emergency,"

Have had the same under consideration, and beg to report same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

Meachum, Chairman; Peeler, Senter, Masterson, Ward, Paulus, Brachfield, Hume, Cofer.

On motion of Senator Peeler that part of the report relating to the printing the bill in the Journal was adopted.

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 270, A bill to be entitled "An Act to prevent the neglect of children in the primary grades by excluding advanced students under certain conditions from schools having only one teacher, and to provide that trustees may make special provisions for the teaching of such students and that trustees of adjacent and convenient districts may provide joint high schools for giving suitable instruction in advanced grades or subjects; to provide that any person or persons above the lower limit of the free school age may receive instruction in the public free schools free of charge in the subjects named in the law; to provide that a per capita fee of \$1.00 per year may be charged of pupils entering a joint high school; to provide that teachers may not lawfully attempt to give instruction in the public free schools in subjects in which they have not been examined; to repeal Section 100 of Chapter 124 of the Acts of the Twenty-ninth Legislature, and to declare an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

ALEXANDER, Chairman.

On motion of Senator Alexander that part of the report which recommended that the bill be printed in the Journal was adopted.

Committee Room,
Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 311, A bill to be entitled "An Act to amend Chapter 75 of the General Laws of the State of Texas passed by the Twenty-seventh Legislature, creating a more efficient road system for Grayson county; and Chapter 65 of the Special Laws of said State amend-

atory thereof, passed by the Thirtieth Legislature, at its Regular Session; providing for the creation of road districts in any political subdivision of any defined district hereafter to be described in said county; prescribing the procedure necessary to the creation of such district; authorizing such district to issue bonds for the purpose of constructing and maintaining under the direction of the commissioners court of said county of macadamized, graveled or paved roads or turnpikes, and in aid thereof; providing for the holding of election and the manner thereof, to determine whether or not said bonds shall be issued; declaring the qualification of voters at such election; providing for the interest on such bonds and creating a sinking fund for the retirement of same, and providing for the assessment and collection of taxes for such purpose; providing for the investment of said sinking fund and for its custody and deposit when not invested; providing that the courts shall take notice of this act and in the same manner as general laws of the State, making it cumulative of the general laws of the State except when in conflict with this act, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Senter, Acting Chairman; Murray, Paulus, Terrell of McLennan, Mayfield, Peeler.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Mining and Irrigation, to whom was referred

Senate bill No. 269, A bill to be entitled "An Act providing for surveys within this State for the construction and maintenance of pools, lakes, reservoirs, dams, canals and waterways, and for either or any of them; to prevent overflows; to procure drainage and for the improvement of rivers, creeks and streams by levees or otherwise; to prevent overflows; to provide for creation of a State levy and drainage board, and defining and prescribing the duties and powers of said board, and providing for the payment of their expenses; authorizing and empowering said board to appoint a commissioner to be known as State Levy and Drainage Commissioner, defining his powers and prescribing his duties, and authorizing said board to prescribe his further duties, not in con-

flict with this act, and making an appropriation to carry out the provisions of this act, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and that this bill be printed in the Journal.

Hume, Adams, Stokes, Murray, Kellie, Masterson, Hudspeth.

The above report was read, and adopted as to that part providing that the bill be printed in the Journal.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

Senate bill No. 162, A bill to be entitled "An Act making an appropriation for the recovery of lands belonging to or claimed for the public schools and other lands of the State of Texas, and for the enforcement of any and all laws of the State of Texas concerning public lands or lands belonging to the State of Texas, or to any of its special funds or institutions; providing the manner of expending such appropriations, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

Willacy, Chairman; Weinert, Harper, Terrell of Bowie, Paulus, Murray, Sturgeon, Holsey, Meachum.

(Floor Report.)

Austin, Texas, March 2, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 195, A bill to be entitled "An Act to abolish the rule known as 'Rule in Shelley's case,' and to provide that in such case the words 'heirs of the body' shall be construed to be words of purchase and not words of limitation, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Meachum, Cofer, Brachfield, Peeler, Stokes, Senter.

(Floor Report.)

Austin, Texas, March 2, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 208, A bill to be entitled "An Act to amend Chapter 4, Title 28 of the Revised Civil Statutes of 1895 by adding an additional article to said chapter, to be known as Article 1119a, and providing for extending terms of district courts in certain cases, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Meachum, Cofer, Brachfield, Peeler, Stokes, Ward, Senter.

(Floor Report.)

Austin, Texas, March 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 112, A bill to be entitled "An Act to make the increase, income, rents, issues and profits of the separate estate and authorizing conveyances to and settlement upon female persons of property to their sole and separate use and benefit, free from marital rights and community rights and control of their husbands,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Stokes, Thomas, Peeler, Paulus, Senter, Cofer, Ward, Meachum.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 177, A bill to be entitled "An Act to carry into effect the amendments to the Constitution of the State of Texas, providing that aid may be granted to disabled and dependent Confederate soldiers, sailors and their wives, under certain conditions, and to make an appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to

the Senate, with the recommendation that it do pass.

Meachum, Chairman; Brachfield, Senter, Ward, Peeler, Stokes, Thomas, Cofer.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 468, A bill to be entitled "An Act to define the offense of abandonment after seduction and marriage of an unmarried female under twenty-five years of age; providing punishment and declaring an emergency,"

Have had the same under consideration, and beg to report same back to the Senate with the recommendation that it do pass and be not printed.

Harper, Chairman; Sturgeon, Cofer, Murray, Real, Watson, Hudspeth, Senter, Alexander.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 295, A bill to be entitled "An Act to amend the Penal Code of the State of Texas by adding thereto Article 812a prohibiting the owners of sheep affected with the scab or other infectious or contagious disease from driving or permitting the same to be driven over or along any public road or highway in this State or on or over the enclosed lands of another without the written consent of such owner, and prescribing therefor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Harper, Chairman; Stokes, Murray, Senter, Hudspeth, Watson.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Health, to whom was referred

House bill No. 452, A bill to be entitled "An Act to amend Article 3385, Title 69, of the Revised Statutes of the State of Texas of 1895, relating to local option so

as to except from the operation of the articles of said title wholesale druggists selling alcohol to retail or dispensing druggists, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Hayter, Chairman; Peeler, Kellie, Hume, Masterson, Willacy, Hudspeth, Bryan.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 490, A bill to be entitled "An Act to exempt Bell county from the provisions contained in Section 1 of Chapter 168 of the General Laws of the Regular Session of the Thirtieth Legislature, relative to the appointment and qualification of county auditors,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, with the following amendments, and be not printed:

Amend the bill by adding at the end of the bill after the word "enacted," the following: "Provided that the provisions of this act shall not take effect or be in force until on or after the first day of September, 1909."

Meachum, Chairman; Brachfield, Senter, Ward, Peeler, Stokes, Thomas, Cofer.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 213, A bill to be entitled "An Act to authorize the county commissioners court of the various counties of the State of Texas to contract for the making and completion of some modern system of indexing the deed records and other records of their respective counties and to validate contracts heretofore made by such commissioners courts, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass.

Meachum, Chairman; Brachfield, Senter, Ward, Peeler, Thomas, Cofer.

(Floor Report.)

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

House bill No. 496, A bill to be entitled "An Act to amend Section 2 of Chapter 116 of the General Laws of the Twenty-ninth Legislature, relating to the fee for filing annual statements of Printers' Mutual Fire and Storm Insurance Associations and to the treasurer's bonds of such association, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Hudspeth, Watson, Stokes, Hume, Mayfield, Senter, Willacy.

Committee Room,

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 179, A bill to be entitled "An Act amending Chapter 124, Section 71 of an act passed by the Twenty-ninth Legislature, and empowering school trustees to order temporary suspension of schools,"

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do not pass.

ALEXANDER, Chairman.

(Floor Report).

Austin, Texas, March 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 565, A bill to be entitled "An Act to create the Water Valley Independent School District in Tom Green county, Texas, and defining its boundaries; providing for the election of a board of trustees therefor, and defining their duties, powers and authority; authorizing the county assessor and collector of Tom Green county to levy, assess and collect taxes not exceeding 25 cents on the \$100 valuation of all property in said district, subject to taxation for the purpose of purchasing and constructing public free school buildings and sites

therefor within the district and for equipping and furnishing the same, and to issue bonds for such purposes," etc.,

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Hume, Weinert, Meachum, Willacy, Bryan.

PETITIONS AND MEMORIALS.

By Senator Terrell of McLennan:

To Hon. H. B. Terrell, Representative in the State Senate of Texas:

We, the undersigned citizens of the county of Milam, hereby most earnestly petition our representative in the State Senate to use all of his influence, and to do all in his power to defeat the bill introduced by Senator Terrell of Bowie county, requiring all produce to be weighed by a public weigher, and also ask him to do all within his power to prevent the repealing or amending of the "anti-bucket shop law."

Numerously signed.

By Senator Thomas:

To the Senate and House of Representatives, Austin, Texas:

We, the undersigned citizens of Texas, petition your honor to vote against the bill of Senator Terrell in regard to public weighers; also on House bill No. 420, Senate bill No. 253, in regard to anti-bucket shop law.

Numerously signed.

By Senator Thomas:

Sulphur Springs, Texas, March 4, 1909.

We, the undersigned citizens of Hopkins county, Texas, petition our Legislators (H. B. Thomas) to use all diligent efforts against the repeal or amending of the bucket shop law.

J. T. Seale, F. W. Drink, T. J. Pounds, J. A. Smith, E. A. Sewell, Roy Pounds, B. F. Otts, S. L. Harper, M. H. Seale, J. O. Jennings, G. Pounds, T. J. Seale, R. A. Dasset, A. E. Jennings, T. E. Pounds.

Yours respectfully,

T. E. POUNDS.

By Senator Thomas:

Cooper, Texas, March 4, 1909.

To the Hon. H. Bascom Thomas, State Senator, District No. 1:

We, the undersigned citizens of District (school) No. 38, Delta county, believing it to be detrimental to the in-

terests of the producer to have cotton and other produce weighed by public weighers only, beg to ask you to use your influence against the bill introduced by Senator Terrell of Bowie county. Ask our Representative to help you.
Numerously signed.

By Senator Thomas:

Clarksville, Texas, March 2, 1909.

Hon. H. Bascom Thomas, Austin, Texas.

Honored Sir: We, the undersigned citizens of Red River county, Texas, and the community of Scatter Creek, to hereby pray and petition our Representative and State Senator to use their influence and vote to prevent the repeal of the present law pertaining to bucket shops in Texas; also the proposed law to force all marketable produce that is sold by weight to be weighed by a public weigher.

Respectfully submitted,
W. A. STONE, President.
H. SMITH, Secretary.

By Senator Thomas:

Cooper, Texas, March 4, 1909.

To the Hon. H. Bascom Thomas, State Senator, District No. 1:

We, the undersigned citizens of school district No. 38, Delta county, desire to ask of you that you use your influence against the repealing of the anti-bucketshop law. Please ask our Representatives to help you.

Numerously signed.

By Senator Murray:

To the Hon. W. O. Murray, Austin, Texas.

Dear Sir: We, the undersigned farmers of Calhoun county, Texas, would respectfully ask and petition you to vote and work against Senate bill No. 253, a bill, as we understand, to repeal or amend the anti-bucketshop law of Texas. We believe any alteration or amendment to said law would be a detriment to the farming interests of Texas.

Numerously signed.

FORTY-SECOND DAY.

Senate Chamber,
Austin, Texas,

Tuesday, March 9, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Harper.
Hayter.
Holsey.
Hudspeth.
Hume.
Kellie.
Masterson.
Mayfield.
Meachum.

Murray.
Paulus.
Peeler.
Real.
Stokes.
Sturgeon.
Terrell of Bowie.
Terrell of McLennan.
Thomas.
Ward.
Watson.
Weinert.
Willacy.

Absent.

Senter.

Veale.

Absent—Excused.

Greer.

Perkins.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

(President Pro Tem. Terrell in the chair.)

BILLS AND RESOLUTIONS.

By Senator Weinert:

Senate bill No. 315, A bill to be entitled "An Act prescribing rules and regulations for the government of the officers in charge of the different prisons throughout the State other than the State penitentiaries and reformatory; providing that all contracts for the expenses of such prisoners shall be under the control and supervision of the county commissioners courts, and providing that such rules and regulations shall be printed and framed and hung within the prison walls of the different prisons; providing the penalty for the violation of such rules and regulations; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred by Terrell of Bowie to Committee on State Penitentiaries.

By Senator Harper:

Senate Concurrent Resolution No. 11, Formal assent of the Legislature accepting the Adams Fund from the United States Government. Resolved by the Senate, the House of Representatives concurring, That the Board of Directors of the Agricultural and Mechanical College of Texas are hereby authorized to accept from the national government the appropriation known as the "Adams